THE

CRIMINAL JUSTICE REPORT

OF

LOWER BURMA

FOR

THE YEAR 1885.

RANGOON:

PRINTED AT THE GOVERNMENT PRESS.

1886.

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RESOLUTION

ON

THE CRIMINAL JUSTICE REPORT

OF

LOWER BURMA

For the year 1885.

Extract from the Proceedings of the Chief Commissioner, Burma, in the Judicial Department,—No. 56C., dated the 14th September 1886.

READ—

Reports on the administration of criminal justice in Lower Burma during the year 1885.

RESOLUTION.—In the present report the practice hitherto followed of compiling the statistical returns for Rangoon and for the rest of the province separately has been abandoned; the appendices of the present report contain criminal statistics for the whole of the lower province. The report was not received till the 11th August, or four months after date. The delay is due, as explained by the Judicial Commissioner, to the time of District Magistrates and their assistants in some districts being so much taken up in dealing with the disturbances which occurred in the early part of the present year as to render impracticable the punctual preparation of the necessary statistics.

2. The work of the Criminal Courts increased considerably during the year, thus—

	Offences reported.	Cases returned as true.	Cases brought to trial.
1884	43,406	38,554	32,683
1885	48,663	44,953	40,095
Increase ...	5,257	6,399	7,412

The principal increase took place in offences under special and local laws, of which 17,703 were reported as against 10,647 in 1884. The increase is mainly due to greater activity on the part of Municipal authorities in large towns in enforcing municipal byelaws, and is also partly due to an increase in the number of prosecutions under the Excise and Opium Acts, consequent on the appointment of a Commissioner of Excise.

3. The Governor-General in Council, in the orders on the Criminal Justice Report of 1884, called attention to the necessity for increased action by Magis-

trates under Chapter VIII of the Criminal Procedure Code, and their duty in this respect has been duly impressed on the district authorities. The number of persons called on to give security to be of good behaviour increased from 2,176 in 1884 to 4,194 in the year under review, the percentage of convictions from 67 to 73. The increase has taken place entirely in the Pegu and Irrawaddy divisions, in both of which the number of prosecutions on this account has more than doubled. The greatest number of prosecutions were instituted in the Henzada, Bassein, and Tharrawaddy districts. In some districts, such as Thayetmyo, Toungoo, Thôngwa, and Moulmein, the percentage of persons discharged is far too large, and it behoves the Magistrates of those districts to pay more attention to this branch of criminal work. It is satisfactory that the Judicial Commissioner confirms the opinion which the Chief Commissioner has already expressed in his review of the police administration of the year that Magistrates have, on the whole, exercised the preventive powers given them by the law with discretion as well as with vigour.

4. The number of cases struck off as false was 3,710 during the year under review as against 4,852 in 1884 and 5,970 in 1883. These include cases instituted by complaint and rejected by a Magistrate under section 203 of the Code of Criminal Procedure as well as cases reported to the police. The Judicial Commissioner remarks on the infrequency with which Magistrates make use of the power which the law gives them of dismissing complaints *in limine*, and he points out that many innocent persons are brought before the Courts, because Magistrates fail to make a careful examination of the complainant before issuing process. The Chief Commissioner commented last year on this defect in the criminal administration of the province. He would again impress on inspecting officers the necessity of carefully controlling the action of subordinate Courts in admitting complaints.

5. The total number of persons brought before the Courts increased from 52,599 in 1884 to 67,145 in the year under review. Of these 38,264, or 57 per cent., were convicted as against 29,978, or 57 per cent., in 1884; 26,158, or 38·96 per cent., were acquitted or discharged as against 20,376, or 38·7 per cent., in 1884. From these figures it appears that the percentages of convictions and acquittals in 1885 were almost identical with those in 1884; but it must be remarked that offences of the more serious description have been less successfully dealt with than in 1884.

6. The criminal work of the province was despatched with reasonable celerity. In the Courts of Session outside Rangoon the average duration of cases was 42 days as against 46 in 1884; in Magistrates' Courts the average duration was in Rangoon 2½, and in the rest of the province 7 days. These averages are identical with those of the previous year.

The number of witnesses examined in Magistrates' Courts increased largely outside Rangoon. In Rangoon they diminished by 34·7 per cent., thus—

	1884.	1885.
Rangoon	16,831	10,990
Elsewhere	101,247	120,305
Total ...	118,078	131,295

The average detention of witnesses was slightly shorter than in 1884; but some explanation is needed of the large number of witnesses, 1,328, who were detained for more than three days in the Court of the Junior Assistant Magistrate, Rangoon, and of the fact that the average duration of cases in that Court was eight days, whereas in the other Magisterial Courts in Rangoon the average duration was from one to two days.

7. The following statement shows the Courts by which the bulk of the Magisterial work of the province was disposed of:—

	Persons brought before		
	Subordinate Stipendiary Magistrates.	Benches of Honorary Magistrates.	District Magistrates.
1885	47,290	15,842	4,013
1884	40,908	7,841	3,850

It will be seen that the increase of work has fallen to a very great extent on the shoulders of Honorary Magistrates. The principal increase again took place in Rangoon, where Honorary Magistrates tried almost as many persons as were tried by all the Magistrates put together in 1883. In the rest of the province the percentage of persons disposed of by Honorary Magistrates to total disposed of increased from 8·83 to 11·18. During the year under review the procedure in Honorary Magistrates' Courts was under discussion. The practice which had hitherto existed of the Bench Clerk recording in English the proceedings of Honorary Magistrates, who were as a rule unacquainted with that language, was found to be open to objection and it was decided to alter it. At the same time opportunity was taken to regulate other matters connected with the procedure of such Courts. The following changes have accordingly been introduced. Burmese, the language almost invariably spoken by Honorary Magistrates, has been declared to be the language of such Courts; Benches on which 1st or 2nd class Magistrates have a seat have been invested with summary jurisdiction; and all such Benches have been empowered to prepare the record and judgment of cases tried summarily by means of the Bench Clerk. The object of these provisions is to relieve Honorary Magistrates from as much as possible of what is irksome in their duties. Seeing that they dispose, voluntarily and without remuneration, of a considerable portion of the criminal work of the province, it is reasonable that their labours should be lightened to as great an extent as is compatible with efficiency. In consequence of these modifications of procedure the number of persons whose cases were disposed of summarily by Honorary Magistrates increased from 2,567 to 6,848.

8. The number of persons under trial before Sessions Courts decreased considerably, being 991 as against 1,114 in 1884; 631 persons were committed to Courts of Session as against 776 in 1884. The falling off is to be ascribed partly to the decrease of crime in Rangoon, partly to less successful detection of crime. The results of trials in Sessions Courts were slightly worse than in 1884. In Moulmein Town there has been a marked falling off in the percentage of persons convicted, thus—

	1883.	1884.	1885.
Percentage of persons convicted.	60·	56·92	44·68

The Judge of Moulmein ascribes these unsatisfactory results to want of care on the part of Magistrates in committing cases. It is to be hoped that some improve-

ment will be perceptible next year. The Magistracy and police of Moulmein have no special difficulties to contend with, and there is no reason why they should attain a smaller measure of success than is reached in the rest of the province.

In the Pegu division the percentage of conviction was but little better than in 1884. The Chief Commissioner hopes that the returns for 1886 will show more satisfactory results.

9. The following table shows the punishments inflicted during the last two years :—

	Persons sentenced.	
	1884.	1885.
Death	75	62
Transportation	162	158
Rigorous imprisonment	9,166	9,866
Simple imprisonment	224	808
Fine	21,492	26,889
Whipping	1,852	1,764

The decrease in capital sentences and in sentences of transportation corresponds to the slight decrease which took place in crime of the most serious descriptions; the large increase in sentences of fine is occasioned by the increase in the number of petty offences. The Chief Commissioner agrees with the Judicial Commissioner in regarding the increase in the number of whippings as satisfactory. Whipping is often the best punishment for first offences of the classes for which it may be inflicted. It is unquestionably a more powerful deterrent than a short term of imprisonment to a criminal convicted for the first time, and it saves such a man from the contaminating associations of a jail. At the present time, when the jails of the province are overcrowded, it is especially desirable that this form of punishment should be adopted whenever practicable. The decrease in the percentage of imprisonment for a very short term is also satisfactory. The figures for the province for the last two years have been—

	Persons sentenced to {	Fifteen days and under.	Six months and under.	Two years and under.
1884	... ...	1,488	5,647	2,847
1885	... ...	1,057	6,909	2,770

The remarks of the Judicial Commissioner on the subject of previous convictions are commended to the special attention of Magistrates.

10. The amount of fines imposed in 1885 was larger and the percentage of realization greater than in 1884. . The amount given in compensation was also larger, thus—

	Amount imposed.	Amount realized.	Percentage of amount realized to amount imposed.	Amount awarded in compensation.	Percentage of amount given in compensation to amount realized.
	Rs.	Rs.		Rs.	
1885	3,70,838	2,52,008	67·96	37,918	15·04
1884	3,60,729	2,31,885	64·28	34,524	14·89

These results are so far satisfactory, but there is still great room for improvement both in the percentage of realization and in the percentage of awards of compensation. In the Court of the Honorary Magistrates, Rangoon, Rs. 10,660 were realized out of Rs. 11,727 imposed.

11. Three thousand nine hundred and fifty-five persons appealed during the year as against 3,142 in 1884. The increase took place entirely outside Rangoon. In Rangoon there was a considerable diminution in the number of appeals. The following statement shows the manner in which appeals were disposed of:—

Total number of persons who appealed.	Appeals rejected.	Sentence confirmed.	Sentence reversed, reduced, or modified.	Percentage of rejections of appeal.	Percentage of confirmations of sentence.	Percentage of reversions, &c., of sentence.
3,955 ...	1,533	1,216	964	38·76	30·75	24·37

In 1884 29 per cent., and in 1883 26 per cent. of the persons who appealed were successful. The results of the year under review may, therefore, be regarded as slightly more satisfactory than those of the last two years. It may also be remarked that the proportion of reductions of sentences was smaller in 1885 than in 1884, thus—

	Percentage of persons whose sentences	
	Were reversed.	Were reduced.
1884...	15·5	13·7
1885	13·2	11·18

The Chief Commissioner commented last year on the fact that sentences were reduced more frequently in Burma than in any other province, and the Government of India pointed out how greatly the hands of justice are weakened by an ill-considered use by Courts of appeal of their powers of reduction of sentence. The Chief Commissioner would again call the attention of Appellate Courts to this matter. At a time when crime is prevalent it is essential that the authority of the Courts of original jurisdiction should be upheld whenever their action is not clearly unjust or illegal, and the Chief Commissioner hopes that Appellate Courts will bear these considerations in mind when exercising their powers.

12. The Chief Commissioner desires to acknowledge the value of the work done by Mr. Meres as a Court of revision and is glad to notice that he has urged Sessions Judges and District Magistrates to greater diligence in the matter of guiding and instructing the Subordinate Courts. There is no doubt but that many of the Subordinate Courts are much in need of such guidance.

By order of the Chief Commissioner,

E. S. SYMES,

Secretary.

THE

CRIMINAL JUSTICE REPORT

OF

LOWER BURMA

For the year 1885.

PART I.

Courts exercising Jurisdiction in the Town of Rangoon.

SPECIAL COURT OF LOWER BURMA.

During the year 26 persons preferred appeals to this Court from sentences passed by the Court of the Recorder of Rangoon exercising the powers of a Court of Session; two persons appealed from sentences passed by the Court of the Recorder exercising the powers of a High Court; one person from that of the Judicial Commissioner exercising the powers of an Appellate Court; and there were appeals of three persons pending from the previous year, making in all 32 persons. The appeals of all 32 persons were disposed of during the year.

2. The following table shows the particulars and results :—

Court from which appeal preferred.	Number of persons whose appeals were pending from last year.	Number of persons who appealed during 1885.	Results.			
			Rejected.	Dismissed or sentence confirmed.	Modified.	Pending.
Court of the Recorder of Rangoon exercising the powers of a Court of Session.	3	26	26	1	2	...
Court of the Recorder of Rangoon exercising the powers of a High Court.	...	2	2	...	...	...
Court of the Judicial Commissioner exercising the powers of an Appellate Court.	...	1	1	...	...	...
Total ...	3	29	29	1	2	...

3. In the previous year 48 persons appealed from the sentences passed by the Recorder of Rangoon exercising the powers of a Court of Session, and one person appealed from the same in exercise of its powers of a High Court.

4. During the year there were four references made to this Court for disposal under section 76 of the Burma Courts Act XVII of 1875, namely, two by the Recorder of Rangoon exercising the powers of a Court of Session, and two by the Judicial Commissioner exercising the powers of a Court of Revision. The particulars of which are as follows:

i. In this case, referred by the Recorder of Rangoon, the jury unanimously found the accused not guilty of the offences of cheating and criminal

breach of trust, but they were unanimous in finding the accused misappropriated the property though not to his own use or for the company of which he was Secretary. The question referred to this Court was whether, on a charge of dishonest misappropriation of property, it was necessary to prove that the prisoner misappropriated the property to his own use.

The Special Court held that there might be criminal misappropriation of property without the appropriation of that property to the offender's own use.

ii. This was a case which came up before the Judicial Commissioner on revision. The following are the facts :—

Certain persons were convicted under section 13 of the Gaming Act (III of 1867) of setting two bulls to fight, and the Magistrate, in disposing of the case, had confiscated the stakes of those who were betting on the fight. He had further ordered that both the bulls should be destroyed as instruments of gaming. The fight took place in an open plain cultivated during the rice season. At the time of the fight the crops were off the ground. It was held—

(i) that the place was a public place within the meaning of the 2nd paragraph of section 13 of the Gaming Act, III of 1867 ;

(ii) that the animals were not instruments of gaming within the meaning of section 13 of Act III of 1867 as amended by section 6 of Act XVI of 1884;

(iii) that the Magistrate had no power to confiscate or destroy the bullocks which were set to fight.

iii. In this case the Judicial Commissioner referred the following question, namely, Is a Burmese divorced wife barred by the provision of the 5th paragraph of section 488 of the Code of Criminal Procedure from instituting proceedings under that section for the maintenance of a child born to her against her former husband, the father of the child? The reference was made as the question had been answered in the affirmative by one of the predecessors of the Judicial Commissioner. The Special Court held that such a proceeding would lie.

iv. In this case the servant of a license-holder sold some liquor to two European soldiers in uniform in breach of the conditions of the license. It was not alleged that the license-holder himself was present, or that he was aware of the sale, but the Assistant Magistrate convicted the license-holder under section 42 of the Excise Act, and the servant was convicted of abetting his master, the license-holder, in committing a breach of the conditions of the license. Both the accused moved the Recorder in revision, and the Recorder made the following references to this Court, namely :—

(i) Is the conviction of Ah Yin of a breach of a condition of his license under section 42 of the Excise Act sustainable?

(ii) Is the conviction of Ah Shain of abetment under section 49 of the same Act sustainable?

The Court held that, on the facts stated, the master was not liable under section 42 of the Excise Act, and that the servant should have been convicted not of abetment of a breach of the license, but of a breach of the license under section 42 of the Excise Act.

W. F. MERES,
R. S. T. MACEWEN,
Judges of the Special Court of Lower Burma.

RANGOON:
The 26th June 1886.

COURT OF THE RECORDER OF RANGOON.

Report on the administration of criminal justice in the Courts of the Recorder and Magistrates of Rangoon for the year 1885.

DURING the year 36 cases were committed to this Court as a Court of Session and five as a High Court, making in all 41 cases as against 73 in 1884.

2. The following table shows the number of cases committed to this Court by the different Magistrates during the year 1885 in comparison with the previous year :—

By whom committed.	1884.			1885.		
	As a Court of Session.	As a High Court.	Total.	As a Court of Session.	As a High Court.	Total.
Junior Assistant Magistrate	...	...	...	7	...	7
Assistant Town Magistrate	49	1	50	24	3	27
District Magistrate, Rangoon Town	21	2	23	5	...	5
District Magistrate, Henzada	...	...	...	...	1	1
District Magistrate, Thôngwa	...	...	...	...	1	1
Total ...	70	3	73	36	5	41

showing a decrease of 32 cases.

3. All the cases were disposed of except one, which was pending at the close of the year.

4. The following table shows the number of persons sentenced and acquitted by this Court as a Court of Session and as a High Court :—

Number of persons		
Convicted.	Acquitted.	Pending.
43	19	1

5. Besides the above, the Recorder as Sessions Judge disposed of five cases, of which four were referred to this Court by the District Magistrate exercising enhanced powers under sections 31 and 34, and one by the Assistant Magistrate under section 123 of the Criminal Procedure Code. The sentences in all the cases were confirmed.

6. One capital sentence passed by this Court on an European British subject as a High Court was referred to, and confirmed by, the High Court of Calcutta.

7. In one case the Recorder having some doubts as to the verdict of the jury referred the case, under section 76 of the Burma Courts Act, to the Special Court, when the accused was acquitted.

8. Of those persons convicted and sentenced by the Recorder, 28 appealed to the Special Court; the appeals of 25 were rejected, that of one dismissed, and the sentences of two reduced. The appeals of three persons, which were pending at the close of the previous year, were rejected.

9. The result is that all the convictions were upheld, but the sentences of two persons were reduced.

10. The following table shows the number of persons whose cases came before this Court on appeal and for revision from the findings and sentences of the District Magistrate, Assistant Magistrate, Junior Assistant Magistrate, and the Honorary Magistrates of the Rangoon Town district, together with the results:—

Magistrates from whose decisions appealed.	Number of persons who appealed, including those pending from previous year.	Result.						
		Rejected.	Confirmed.	Modified.	Reversed.	New trial.	Quashed.	Pending.
District Magistrate	32	28	...	1	2	...	...	1
Assistant Magistrate	68	51	2	3	2	1	...	9
Junior Assistant Magistrate	42	32	1	4	3	...	...	2
Honorary Magistrates	1	1	...	...	...	...	...	...
Total ...	143	112	3	8	7	1	...	12

11. Besides the above, seven cases came up to this Court as a High Court from the District Magistrate and Assistant Magistrate of the Rangoon Town district, all of which were disposed of during the year.

12. The following abstract shows the total criminal work of the Recorder's Court for the year:—

Sessions trials	40
Appeals and revisions	128
Cases for confirmation of sentence ...	5
References	7
Total cases ...	180

as against 180 of all kinds in 1884.

13. This result is satisfactory. There has certainly been a marked decrease in serious crime and violent offences. This will be noticed further on in connection with the Magistrates' returns.

14. There were seven criminal sessions during the year. Of these Mr. Agnew took three and I took the remainder.

THE MAGISTRATES' COURTS.

15. The subjoined table shows the number of offences, bailable and non-bailable, reported during the year, and the number of persons brought to trial, convicted and acquitted, as compared with a similar return for the preceding year:—

Year.	Number of offences reported during the year.			Number of offences brought to trial.	Number of persons brought to trial.	Acquitted or discharged.	Convicted.	Committed.	Disposed of by local Government.	Died, escaped, or transferred.	Pending.
	Non-bailable.	Bailable.	Total.								
1884 ...	1,781	5,546	7,327	6,506	10,533	3,798	6,604	89	...	4	38
1885 ...	1,594	6,730	8,324	7,486	16,428	6,381	9,893	56	...	1	97
Increase ...	...	1,184	997	980	5,895	2,583	3,289	...	...	...	59
Decrease ...	187	...	...	...	...	...	...	33	...	3	...

16. From the above table it will be seen that there is a decrease of 187 non-bailable offences reported during the year and an increase of 1,184 bailable offences.

17. The District Magistrate attributes the decrease in non-bailable cases to the cordial assistance rendered to the police by the headmen of every nationality. He says they furnished information readily, which enabled the police to prevent crime, and they themselves for months patrolled the town and guarded the streets.

18. The large increase in bailable cases is ascribed to an increase in petty offences, such as nuisances, drunkenness, insults, and offences against the municipal byelaws. These alone increased by 1,072. Colonel Spearman observes that the increase in the number of offences brought to trial was very nearly equal to the total increase in cases reported, and that of the 5,895 more persons brought to trial no less than 3,289 were convicted.

19. The following table shows the number and the results of non-bailable cases for the year in comparison with the previous year:—

Year.	Non-bailable offences reported.	Number of offences brought to trial.	Number of persons brought to trial.	Acquitted or discharged.	Convicted.
1884	1,781	1,029	1,167	389	684
1885	1,594	813	1,127	409	647
Increase	...	...	...	20	...
Decrease	187	216	40	...	37

20. The District Magistrate remarks that the results shown in this table are not satisfactory, as the decrease in the number of offences brought to trial is

larger than the decrease in the number of offences reported, and that there was an increase in the number of persons acquitted or discharged.

21. The following table shows the percentage of detection to the cases reported in non-bailable offences as compared with the previous year :—

Year.	Number of offences reported.	Number of persons convicted.	Percentage of detection.
1884	1,781	684	58·61
1885	1,594	647	57·41

This table shows the percentage of persons convicted of non-bailable offences out of the number of persons brought to trial, but not the percentage between offences reported and persons convicted. The figures may properly be exhibited as follows :—

	Persons brought to trial.	Convicted.	Percentage.
1884	... 1,167	... 684 ...	... 58·61
1885	... 1,127	... 647 ...	... 57·41

22. Although there was a decrease in the non-bailable offences yet the percentage is not bad.

Of the 16,428 persons brought to trial for all offences, bailable and non-bailable, 9,893 were convicted, that is, 60·22 per cent. Last year the percentage was 62·7.

23. The following statement shows the detail of violent crime as compared with the previous year :—

Offences.	Offences reported.		Offences brought to trial.		Persons convicted or committed.	
	1884.	1885.	1884.	1885.	1884.	1885.
Murder	14	7	14	8	13	8
Attempt at murder	9	5	9	8	8	2
Culpable homicide	4	1	4	...	8	...
Grievous hurt	18	32	18	32	14	27
Grievous hurt on sudden provocation	5	10	5	10	8	9
Hurt	107	128	107	128	104	54
Hurt with dangerous weapon	27	38	27	38	20	26

24. It will be observed from the above that the number of murders, attempts to murder, and culpable homicide fell from 27 to 13, but the number of offences brought to trial fell from 27 to 6. On the other hand cases of grievous hurt and of hurt with dangerous weapons (and very often there is but a thin line between these and murder) increased from 45 to 70.

25. The following table shows the number of offences against property with violence as compared with the previous year :—

Nature of offence.	Offences reported.		Offences brought trial.		Persons convicted and committed.	
	1884.	1885.	1884.	1885.	1884.	1885.
Dacoity	1	2	2	2	7	7
Robbery	25	14	15	10	23	6
Extortion	2	7	1	7	1	4
Total ...	28	23	18	19	31	17

26. Robberies and dacoities reported fell by 10 and the number brought to trial by five only, but the number of convictions by 17, which is not good as Colonel Spearman remarks.

27. The following table shows the number of offences against property without violence as compared with the previous year :—

Nature of offence.	Offences reported.		Offences brought to trial.		Persons convicted and committed.	
	1884.	1885.	1884.	1885.	1884.	1885.
House-breaking with theft	65	54	45	52	35	51
Theft	1,491	1,331	752	588	578	555
Receiving stolen property	43	36	42	28	29	19
Total ...	1,599	1,421	839	668	642	625

28. The District Magistrate remarks that in thefts and cognizable offences also the police working in detection appears at first sight not to have been good, but that it is satisfactory to note that, judging by the number of offences brought to trial and the number of persons convicted, fewer innocent persons were arrested and brought before the Courts.

29. The subjoined table classifies the petty offences for the last three years :—

Offences.	1883.	1884.	1885.
Assault	908	1,137	1,259
Insult and criminal intimidation	258	692	919
Creating a disturbance under I. P. C.	52	55	59
Nuisance (Police Act, V of 1861)	1,117	1,032	1,109
Breach of local rules	1,288	1,122	1,846
Drunk and disorderly	725	877	921
Total ...	4,348	4,915	6,113

30. There has been a very large increase in these and under almost every head, and the District Magistrate explains that the increase in the number of offences against local rules is due to more prosecutions by the Rangoon Municipality. The majority of persons brought up for being drunk and disorderly were Madrassis.

31. The following table shows the work performed by the several Magistrates, the result of trials held before them, and the state of their files at the close of the year: —

Class of tribunal.		Number of persons under trial during the year.	Discharged without trial.	Acquitted or discharged.	Convicted.	Committed.	Died, escaped, or transferred.	Remaining under trial.	
								In custody.	On trial or recognizance.
District Magistrate	Bailable ...	190	6	42	140	...	1	...	1
	Non-bailable	65	...	7	47	11	...	...	...
Total ...		255	6	49	187	11	1	...	1

Class of tribunal.		Number of persons under trial during the year.	Discharged without trial.	Acquitted or discharged.	Convicted.	Committed.	Died, escaped, or transferred.	Remaining under trial. In custody.	Remaining under trial. On trial or recognizance.
Assistant Magistrate, 1st class powers.	Bailable ...	3,408	148	867	2,388	...	...	...	10
	Non-bailable	544	...	200	310	34	...	...	...
Total ...		3,952	148	1,067	2,698	34	...	...	10
Junior Assistant Magistrate, 1st class powers.	Bailable ...	1,285	342	391	498	2	...	...	57
	Non-bailable	479	...	178	274	9	...	18	...
Total ...		1,764	342	569	767	11	...	18	57
Bench of Honorary Magistrates, 2nd class powers.	Bailable ...	10,398	1,907	2,270	6,210	...	...	...	11
	Non-bailable	59	...	28	36	...	...	...	...
Total ...		10,457	1,907	2,298	6,246	...	...	...	11
Grand Total ...		16,428	2,403	3,978	9,893	56	1	18	79

32. Colonel Spearman remarks that the Honorary Magistrates tried very nearly as many persons as all the Magistrates put together tried in 1883. They deal principally with insult, assault, and nuisance cases.

33. The following table shows the punishment inflicted by the different Magistrates :—

Class of tribunal.	Persons sentenced to Imprisonment. Solitary confinement.	Persons sentenced to Imprisonment. Simple.	Persons sentenced to Imprisonment. Rigorous.	Persons sentenced to Fines.	Persons sentenced to Whipping.	Persons ordered to Give recognizance or security to keep the peace.	Persons ordered to Give security for good behaviour.	Amount of fines. Imposed. Rs. A. P.	Amount of fines. Realized. Rs. A. P.	Amount of fines. Awarded as compensation. Rs. A. P.
District Magistrate ...	1	...	70	123	10	3	22	6,045 0 6	3,723 9 0	60 0 0
Assistant Magistrate ...	11	16	401	2,208	142	73	95	28,194 14 9	16,707 13 3	273 0 0
Junior Assistant Magistrate.	...	11	307	458	85	...	36	9,261 1 9	5,601 0 6	2,320 12 4
Bench of Honorary Magistrates.	...	2	40	6,238	5	...	...	11,727 0 0	10,660 0 0	587 8 0
Total ...	12	29	818	9,027	242	76	153	55,828 1 0	36,692 6 9	3,241 4 4

34. The realization of fines is not good and would seem to show either that the fines awarded have not been apportioned to the means of the accused, or that steps have not been taken to realize the fines imposed. The District Magistrate notices the failure especially in the Assistant Magistrate's Court and adds :

"I have always found it difficult to get young Magistrates to understand that it is worse than useless to impose a fine of Rs. 100, say on a cooly, who makes at most Rs. 15 a

month, and that imprisonment in default of payment is not in *lieu* of payment, but is a punishment for not paying. To order a man to do what is impossible and then to punish him for not doing it is cruel."

I entirely agree in this view of the matter.

35. The following table shows the detention of witnesses and the average duration of cases :—

Class of tribunal.	Number of witnesses discharged after				Average duration of cases.	
	One day.	Two days.	Three days.	More than three days.	For previous year.	For year under review.
District Magistrate	463	69	3	...	3½	2
Assistant Magistrate	4,511	412	112	64	1½	1½
Junior Assistant Magistrate ...	144	186	128	1,328	1½	8½
Bench of Honorary Magistrates ...	3,386	94	75	20	1¾	1
Total ...	8,504	761	318	1,412	2½	2½

36. The subjoined table shows the nationalities of persons brought to trial during the last three years in the Magistrates' Courts :—

Nationalities.	1883.	1884.	1885.
Burmese	2,645	3,609	3,856
Chinese	296	408	1,013
Natives of Bengal and Upper India	1,058	1,295	2,306
Madrassis	3,784	4,173	6,759
Chittagonians	498	657	1,990
Europeans and Eurasians...	364	391	504
Total ...	8,645	10,533	16,428

37. There has been an increase under each head, and this is no doubt due to the large increase in petty cases. The Madrassis are largely in excess of the other classes.

38. The following is the statement of shipping casualties investigated by order of the Chief Commissioner under Act V of 1883 and Act XII of 1883 and the rules framed thereunder :—

No.	Subject.
1	Relative to the loss of the British schooner *Amherstia.*
2	Relative to the misconduct of Mr. A. C. Davies, Master of the S. S. *Avagyee.*
3	Relative to the grounding of the British steamer *Cairo.*
4	Relative to the stranding of the French steamer *Cholon.*
5	Relative to the grounding of the British steamer *Kremlin.*
6	Relative to the grounding of the ship *Earl of Jersey.*
7	Relative to the misconduct of Mr. Logan, Licensed Pilot.
8	Relative to the misconduct of Mr. Brown, Licensed Pilot.
9	Relative to the grounding of the S. S. *Brankelon.*
10	Relative to the loss of the British barque *Faisool Curreem.*
11	Relative to the loss of the British ship *Charles Worsley.*

General Remarks.

39. Major Adamson was in charge of the district till the 4th December. Mr. Gates had temporary charge from the 5th to the 21st December. Colonel Spearman having thus only assumed charge on the 22nd idem had no opportunity of forming an opinion (except from the returns) as to the state of crime, the working of the police, or the working of the subordinate Courts; but he

considered it satisfactory that non-bailable offences should have diminished in a year when there was much disturbance owing to war with Upper Burma, which had actually occurred.

40. This war only took place at the close of the year and could hardly have affected the returns one way or other. The returns for the first half of this year are more likely to be a true index of the effect of the unsettled state of the country on the criminal classes. I have heard of "waves" of crime in Burma, and it would certainly seem as if some years were more prolific of crime than others. It is not easy to account for this satisfactorily. Poverty leads to crime, and in a year of distress dacoities and thefts may be expected to increase. But as to offences against the person (murders and hurts of various degrees), the outbreak of human passions, there is no guide. Human passions are the same one year as another, and it really depends upon the number of people who restrain themselves. The Burmans are an excitable people, and a large proportion of offences of this kind are the result of the passion of the moment. It is often a mere accident whether the blow results in murder or in hurt. Cases of hurt increased by 25. With an honest Native police, honestly assisted by the people, crime of all kinds should be more easily detected, and certain conviction and punishment is undoubtedly a great deterrent. But until we are certain that we have got really honest and capable Native police, and that they receive real assistance from the people and their leading men, it seems to me that all attempts to account for the increase or decrease of crime must be more or less mere speculation. The chances are that the theories of one year will be completely upset by the facts of the next. It is always satisfactory to find crime decreasing and it is desirable, if possible, to account for it, and permisible to hope that it will continue, and that the causes which have led to it may be correct, but one year's experience is hardly sufficient to warrant the conviction that the causes are true or lasting. I believe that during part of November and December the headmen of the different nationalities assisted the police, and regular patrols were established with excellent effect. The police were also active in their night duties, and the Military and Volunteers were stationed in different quarters of the town. These arrangements undoubtedly contributed to prevent night offences.

41. I think the results of trials and appeals from convictions in the Recorder's and Magistrates' Courts satisfactory. They will, probably, bear favourable comparison with the other Courts of the same grades in and out of the province.

42. The Magistrates of Rangoon have worked well. Major Adamson (who was in charge the greater part of the year) is an experienced and energetic officer. Mr. Gates's cases were carefully got up, and the Junior Assistant Magistrate, Maung Tôk Gyi did good work during the year.

43. Colonel Spearman says the police received cordial assistance both from Magistracy and elders, and its action in dealing with crime should, in his opinion, be deemed satisfactory.

44. The Bench of Honorary Magistrates created at the end of 1881 appears to have done fairly well. Although it deals only with petty offences, such as insult and assault cases and nuisances, and notwithstanding irregularities pointed out in its procedure now and then, yet the existence of such a tribunal is of great assistance to the other Magistrates in the town and is a good training for the Native Magistrates who partly compose the Bench.

RANGOON:
The 25th June 1886.

R. S. T. MACEWEN,
Officiating Recorder.

PART II.

Courts under the Supervision of the Judicial Commissioner.

From W. F. MERES, Esq., Officiating Judicial Commissioner, Lower Burma, to the Secretary to the Chief Commissioner, Burma,—No. 1468-1, dated the 10th August 1886.

I HAVE the honour to forward herewith the criminal judicial returns of the Lower Province for 1885. In compliance with the request contained in your letter No. 409-90C., dated the 18th August 1885, I have added the figures for the town of Rangoon, including the Court of the Recorder and the Special Court. The returns now submitted are therefore those for the whole of the Lower Province.

2. The figures for the Special Court, and for the Courts of the town of Rangoon, including that of the Recorder, have been the subject of separate reports and are not discussed further here. I here deal only with my own and Courts subordinate to my Court.

This report is submitted late. The delay has not arisen in my office. The last of the district reports reached me on the 17th July. The Chief Commissioner is aware that since the middle of December last the districts within the valleys of the Irrawaddy and the Salween rivers have been the scene of violent outbreaks of crime, which in some tracts assumed the magnitude of a rebellion. Within the disturbed area District Officers and their assistants have been engaged in novel and difficult operations against bodies of desperate offenders, and it has been impossible for them to submit with punctuality the statistics upon which this report is based.

3. The report is not only late, but it is imperfect, for in the district of Shwegyin the records of four Courts were destroyed by insurgents in December last. The returns of that district therefore represent the work of these four Courts for 11 months only.

4. The total number of offences reported and the total number of offences returned as true, as compared with the figures for the previous year, are shown below :—

Division.	Name of district.	Cases reported.		Cases rejected under section 203 of the Criminal Procedure Code.		Cases declared false or not entered as true.		True cases.		Percentage of true to reported cases.	
		1884.	1885.	1884.	1885.	1884.	1885.	1884.	1885.	1884.	1885.
ARAKAN	Akyab	1,735	2,096	...	51	222	259	1,513	1,776	87·20	85·14
	Kyaukpyu	1,428	2,025	...	...	189	344	1,239	1,681	86·76	83·01
	Sandoway	607	642	5	7	13	3	589	632	97·03	98·44
	Northern Arakan ...	42	23	7	...	12	3	23	20	54·76	86·96
	Total ...	3,812	4,776	12	58	436	609	3,364	4,109	88·25	86·03
PEGU	Hanthawaddy ..	1,711	2,073	2	...	25	32	1,684	2,041	98·42	98·46
	Pegu	1,975	2,138	287	91	312	433	1,376	1,614	69·67	75·49
	Tharrawaddy ...	2,689	2,987	48	24	322	58	2,319	2,905	86·24	97·25
	Prome	4,224	4,065	91	67	817	103	3,316	3,895	78·50	95·82
	Total ...	10,599	11,263	428	182	1,476	626	8,695	10,455	82·03	92·83
IRRAWADDY	Henzada	4,619	4,829	115	175	412	787	4,092	3,867	88·59	80·08
	Bassein	3,684	4,624	...	...	126	65	3,558	4,559	96·58	98·59
	Thongwa	2,545	3,949	7	5	168	186	2,370	3,758	93·12	95·16
	Thayetmyo... ...	1,936	1,523	...	...	35	43	1,901	1,480	98·19	97·18
	Total ...	12,784	14,925	122	180	741	1,081	11,921	13,664	93·25	91·55
TENASSERIM.	Amherst	1,355	1,438	25	41	11	22	1,319	1,375	97·34	95·62
	Shwegyin	1,847	2,117	21	2	207	303	1,619	1,812	87·65	85·59
	Toungoo	1,492	1,617	...	...	57	26	1,435	1,591	96·18	98·39
	Tavoy	431	520	1	2	45	134	385	384	89·33	73·85
	Mergui	389	470	...	...	22	11	367	459	94·34	97·66
	Salween	63	44	...	...	14	2	49	42	77·78	95·45
	Moulmein	3,307	3,169	299	188	114	72	2,894	2,909	87·51	91·80
	Total ...	8,884	9,375	346	233	470	570	8,068	8,572	90·83	91·43
	GRAND TOTAL ...	36,079	40,339	908	653	3,123	2,886	32,048	36,800	88·83	91·23

There were 4,752 true cases reported in excess of the figures for 1884. This increase is due to activity in the prosecution of cases under special and local laws, of which there were 13,246 cases as against 7,359 cases in 1884. One of the results of the establishment of a Commissioner of Excise has been a large increase in the number of prosecutions under the Excise and Opium Acts. Convictions under the Municipal Acts have also been more numerous. On the whole there has been hardly any change in the number of the more serious offences against person and property. Thus there were in—

	1884.	1885.
Murders	148	127
Culpable homicide	36	35
Grievous hurt	301	310
Dacoity	120	125
House breaking	894	932
Cattle theft	1,335	1,364

On the other hand there was a satisfactory falling-off of thefts from 10,177 to 8,942 cases.

The outbreak, to which reference is made in paragraph 2 of this report, occurred a few days before the close of this year, and the cases arising therefrom were not brought before Magistrates until 1886.

Many Magistrates are remiss in making a careful examination of the complainant in petty cases under section 200, Code of Criminal Procedure. Thus, in Kyaukpyu, where only 83 per cent. of the cases instituted were pronounced true charges, not a single complaint was rejected in 1885. In Shwegyin, with 303 false cases, only two complaints were rejected; and in Thôngwa only five, out of 186 false cases, were so dealt with. In my tours I have had frequent occasion to call the attention of Magistrates to this important duty. In one Court I found that in 11 cases of defamation or insult 38 persons had been summoned of whom only one person was convicted.

5. *Increase and Decrease in the different Districts during the year.*

INCREASE.

Division.	Name of district.	Cases reported.	Cases rejected under section 203 of the Criminal Procedure Code.	Cases declared false or not entered as true.	True cases.
ARAKAN.	Akyab	351	51	37	263
	Kyaukpyu	597	...	155	442
	Sandoway	35	2	...	43
	Northern Arakan	...	...	...	...
	Total ...	983	53	192	748
PEGU.	Hanthawaddy	362	...	7	357
	Pegu	163	...	121	238
	Tharrawaddy	298	...	...	586
	Prome	...	...	...	579
	Total ...	823	...	128	1,760
IRRAWADDY.	Henzadá	210	60	375	...
	Bassein	940	...	...	1,001
	Thongwa	1,404	...	18	1,388
	Thayetmyo	...	...	8	...
	Total ...	2,554	60	401	2,389
TENASSERIM.	Amherst	83	16	11	56
	Shwegyin	270	...	96	198
	Toungoo	125	...	...	156
	Tavoy	89	1	89	...
	Mergui...	81	...	...	92
	Salween...	...	...	...	...
	Moulmein	...	..	...	15
	Total ...	648	17	196	512
	GRAND TOTAL ...	5,008	130	917	5,409

This table shows considerable increases in all the districts of the Pegu division except Prome, in Kyaukpyu in the Arakan division, and in Bassein and Thôngwa in the Irrawaddy division. In all of them there is a large increase under the head of local and special laws as well as in serious crime.

DECREASE.

Division.	Name of district.	Cases reported.	Cases rejected under section 203 of the Criminal Procedure Code.	Cases declared false or not entered as true.	True cases.
ARAKAN.	Akyab	..	...	...	...
	Kyaukpyu	...	...	...	...
	Sandoway	...	...	10	...
	Northern Arakan	19	7	9	8
	Total ...	19	7	19	8
PEGU.	Hanthawaddy	...	2	...	...
	Pegu	...	196	...	...
	Tharrawaddy	...	24	264	...
	Prome	159	24	714	...
	Total ...	159	246	978	...
IRRAWADDY.	Henzada	...	...	...	225
	Bassein	...	...	61	...
	Thôngwa	...	2	...	...
	Thayetmyo	418	...	...	421
	Total ...	418	2	61	646
TENASSERIM.	Amherst	...	...	...	...
	Shwegyin	...	19	...	...
	Toungoo	...	...	31	...
	Tavoy	...	...	...	1
	Mergui	...	...	11	...
	Salween	19	...	12	7
	Moulmein	138	111	42	...
	Total ...	157	130	96	8
	GRAND TOTAL ...	748	385	1,154	657

6. The decrease is chiefly in Henzada and Thayetmyo.

In Henzada the figures for most serious crime are—

	1884.	1885.
Murder	14	9
Culpable homicide	5	...
Grievous hurt	33	11
Rape	8	1
Dacoity...	16	8
Robbery...	28	6
House-breaking	89	35
Cattle-theft	156	48
Other thefts	1,139	457

These satisfactory results are attributed by the Deputy Commissioner to increased action in the institution of security cases under Chapter VIII, Code of Criminal Procedure.

The Deputy Commissioner of Thayetmyo says:

"There is a remarkable falling off in ordinary cases of theft and receiving stolen property. Dacoity, house-breaking, and cattle-theft have decreased, while robbery has slightly increased. I think the decrease in ordinary theft may to a great extent be attributed to the special vigilance which was observed during the last quarter of the year. The majority of the bad characters crossed the frontier and committed raids in Upper Burma."

Regarding the increase of crimes in his district, Mr. Hildebrand, Deputy Commissioner of Tharrawaddy, thinks the following are factors:—

"(i) The impulse given to bad characters combined with the corresponding depression caused to the officials, by the failure to get convictions in sessions trials, and the disturbances in cases tried and convicted by the District Court.

"(ii) The low standard of the police sergeant in—

(a) age; | (b) influence;

(c) education in police duties.

"(iii) The paucity of police, both officers and men.

"(iv) The want of success upon referring for confirmation of sentence, last year and this, has undoubtedly been incentive to a continuance of lawlessness."

The Deputy Commissioner of Hanthawaddy says:

"There has been a slight increase of 38 cases in the number of offences against property this year.

"Dacoities and robberies have risen from 13 and 30 to 18 and 36 true cases respectively. Many of these cases were of a very petty nature, and the gangs of Maung Thin and Maung Man In, a remnant of Nga Pwe's gang is to be credited with a very large number of them. Another up-country gang that was just starting on the Tunte side was luckily captured before any very serious cases occurred. I may note here that the dacoit leader Nga Pwe, who was so prominently brought to notice in last year's report, was fortunately shot by the police after having committed a most brutal triple murder. His brother Po Hlaing, who was also wounded at the time, was concerned in the robbery; he was committed for trial, but unfortunately got off.

"Cattle-thefts have increased very considerably, but several of the most important cattle-thieves and thieves' brokers have been captured and convicted. Unfortunately one of the principal cattle-thief brokers got off on appeal, so that I have no doubt he will continue his usual operations more carefully in future."

The Deputy Commissioner of Thôngwa says:

"Dacoities and robberies have been far more rife than in the year before last, nor is this increase in violent crime to be attributed to the loosening of the reins of administration in consequence of the war with Upper Burma, as the principal portion of those crimes occurred in the first three quarters of the year. It may be that the greater number of police prosecutions for minor offences have not enabled the police to give sufficient attention to the detection of more serious crimes, while the absence of any resistance of those on whom these crimes were committed must have encouraged the bad characters. Certainly none of the dacoities have been of a daring character, but have as a rule been on isolated houses with few inmates, without near neighbours, while the offenders have been armed with such weapons as the ordinary da and sticks. Increased action under the preventive sections of the Criminal Procedure Code has been taken without much effect in this class of crime; but, indeed as a rule the offenders are not persons usually known to the police as bad characters, except when an organized gang is present, and then the leader is usually one who has acquired a reputation in jail."

Mr. deCourcy Ireland, the Commissioner of the Irrawaddy Division, is not satisfied with the provisions of the law as they stand in Chapter VIII, Code of Criminal Procedure. He says:

"It is to be regretted that the bad livelihood law has not been more rigorously enforced during the year in Bassein and Thôngwa districts. The large increase in crimes in Thôngwa may be attributed, at least in a great measure, to the very serious falling off in the prosecutions for bad livelihood, whilst Henzada naturally attributes the decrease of crime in that district to the activity displayed against the bad characters who abounded there. The action taken in Bassein has fallen off by one-half, but no reason is assigned. The true foundation of success in dealing with crime is the proper and efficient repression of the idle vagabonds who commit the crimes. Repressive measures in this direction far exceed in value the effects of punishment following on the commission of the crime. The district authorities require more assistance to enable them to deal with this question; and more 1st class Magistrates, duly empowered, who have the time to go round the country to see for themselves and to take immediate action, ought to be provided. It seems to me that the law, as now existing, is not sufficient for Burma, where crime has been steadily and slowly over-mastering the Government for some years back. Some more summary and drastic procedure ought to be adopted than that provided by Chapter VIII, Criminal Procedure Code. The alteration of the law as it existed in sections 504, 505, and 506, of the Criminal Procedure Code of 1872 has materially weakened the power of the magistracy in such cases; and in my opinion, if the Government of Burma is to hold its own against the powerful organization of the bad characters, some alterations should be made."

In my opinion what is needed is the judicious application of the existing law.

The Deputy Commissioner of Shwegyin reports as follows on the state of crime in his district during 1885:—

"*Murders.*—Murders have nearly doubled in number. The cases include two cases of robbery with murder in which no clue was obtained. One of these cases was intimately connected with the recent troubles. Of the rest one was struck out by the Sessions Judge, as he considered that the accused had acted in self-defence, one resulted in acquittal; two have been committed and are pending; two cases were dismissed from insufficiency of evidence by the Magistrate; in three cases the murderer was sentenced to death or transportation for life; in one case he was accidentally shot after arrest by the police of another district; and in four cases no clue was obtained.

"In one case of attempt at murder the accused was sentenced to five years' imprisonment. The result is not satisfactory, but in many cases it was particularly difficult to procure evidence at all, and in others, though the strongest suspicion pointed to certain persons, the evidence was incomplete.

"*Dacoity.*—Eight cases against four. The last five cases, however, took place in December, and of these four are believed to be the direct consequence of disturbances. In these four cases no clue has been obtained.

"Of the first four cases two were sent for trial before the Court of Session, but the accused were acquitted, though at least in one case evidence appeared to be strong. Of the other two, no real clue was obtained in one, while the other is still under trial. One case reported as a dacoity last year resulted in a conviction during the present year; but on the whole the action of the police has hitherto been anything but successful against this class of crime. One case was struck out as evidently misreported.

"*Robbery.*—Eight cases against seven. In this class of cases no less than four were struck out as being false complaints, or being wrongly reported as robberies. In one of these a conviction was obtained under another section. Of the eight true cases convictions were obtained in four, in two other cases convictions were reversed in appeal to the Judicial Commissioner, and in two cases no clue was obtained, though it is almost certain that the offenders in one of these were convicted for a second robbery. Were it not for the two cases of robbery with murder, reported under head of murder, the action of the police would have been seen to more advantage in this than in other classes of violent crime.

"*Rape.*—Cases reported have fallen from 17 to six. None of these have been returned as true, because though three persons were sent up for using violence, in each case, to mere children, it was in no case satisfactorily proved that rape had occurred.

"In two cases the accused were natives of India, and in the third the father of the girl was a native of India. The accused, a boy of 14, was also of half blood."

"*Grievous hurt.*—The true cases have doubled in number; five persons out of 13 sent for trial were convicted. In the previous year no convictions were obtained. Upon the whole there is improvement.

"*Cattle-theft.*—For the three past years this has shown a steady rise, and last year the increase was more perceptible than ever, the number of true cases having risen from 99 to 155. This last figure has, however, been taken from the monthly returns of the police office, which, owing to late disturbances, there has not been time to revise by the results for the whole year. Some cases reported one month may have turned out in the next to have been merely cases of animals straying, and error may have crept in.

"Even so, however, some genuine cases of theft are not reported at all. Only 41 cases were brought into court and only 27 out of 57 prisoners convicted. This is not a satisfactory return, but it is some set off that some members of a gang of cattle-thieves along the border of the Pegu district, who carried out active operations in conjunction with comrades across the border, have been visited with punishment. A cattle-thief is generally *sui generis*.

"Previous convictions are nearly always for the same offence, and depredations are largely assisted by combinations with other districts.

"To recover stolen cattle the police have sometimes to travel very far a-field. In this more than in any other class of thefts a large proportion of the detections is the direct result of activity on the part of the complainants.

"The conduct of a cattle-market gaung whereby theft was largely assisted may lead to a revision of the rules.

"*Elephant-theft.*—Cases of elephant-theft have again risen, from five to eight. Three animals have been recovered, but there have been no convictions. This is a bad feature in the year's work.

"*Ordinary theft.*—Ordinary thefts have decreased from 601 to 320, which is a satisfactory result, provided reporting has been as active as before, and I have no reason to believe otherwise. Convictions under all heads of theft have remained in the same proportion as last year.

"*House-breaking.*—Cases returned as true have increased from 119 to 188, thus to some extent discounting the results under the head of ordinary theft. To a very large extent, perhaps altogether, the increase is due to more correct classification. I issued directions, finding all previous attempts at explanation unavailing, that every case of theft in a dwelling at night was to be entered under section 457, I. P. Code. This order did not

allow of nice distinctions, but the general result has undoubtedly been a more correct entry than before. The proportion of convictions has not kept pace with the increase of cases.

"There has been a slight falling off from 100 to 97 cases under the preventive sections of the Code.

"I have constantly urged upon the lower Courts and upon the police the necessity for action. The matter, however, lies very much in the hands of the people themselves. Only one village has voluntarily surrendered its bad characters; and during the scare produced by the operations in Upper Burma respectable persons were so afraid of coming forward that the Assistant Commissioner, Sittang, was forced to suspend enquiry altogether.

"Prosecutions under the excise and railway laws have more than doubled. The latter were, perhaps, a natural consequence of the completion of the railway during the year and the organization of railway police. The greater activity shown under the Excise Act is so far satisfactory, as convictions have sustained a fair proportion to the numbers charged. Gambling charges have increased from 32 to 40, and convictions from 101 to 129, and an increase, though a small one, has been shown under the Opium Act. It would, perhaps, be hazardous to trace the connection between the increase in activity shown (more especially in gambling cases) with the decrease of reported thefts from the record of a single year.

"Opium prosecutions are still lamentably few, and the same may be said in regard to excise cases.

"Except in the matter of the decrease of ordinary thefts, there is not much in the police work of the year which calls for congratulation. Murders have increased considerably, and other offences against the person, from grievous hurt downwards, show advance in numbers.

"Offences against property have varied. The more violent types have increased, while less serious types have in some classes shown a decrease. Police action in robbery cases has been better than in the previous year, when no case was brought home.

"I have already remarked upon the increase in dacoity in connection with the late rising. But it would be difficult to present an adequate notion of the lawlessness which then set in. Even people of education and respectability in certain localities became imbued with the notion that the British Government had come to an end altogether, and the effect upon the ordinary population and bad characters may be imagined. The bonds of society were, for the time being, completely ruptured and every one did as was right in his own eyes. An almost universal reign of plunder and violence set in, in which the chief sufferers were the foreign population, Chinese and natives of India. The chief offenders, at least in the plain country, were not the Shan rebels, but Burmese marauders drawn from a criminal population, which it has always been difficult to keep in check and which now broke loose for a time from all restraint. Save in the matter of arms and food, the Shan insurgents conducted themselves with comparative moderation in the matter of plunder.

"The evil consequences produced by this state of things showed itself (though the rebellion proper had been suppressed) by a burst of violent crime in the Sittang and Pyuntaza subdivisions, which it will be a matter of much time and difficulty to deal with. It will be in all probability years before the waves set in motion by the late storm will have finally subsided. In the meantime the state of the district is disastrous, and the work of re-construction will be extremely heavy."

True Offences reported under each Class in the year 1885 as compared with the previous year.

Division	Name of district.	Year.	Offences against the State, Chapter VI.	Offences against the Army and Navy, Chapter VII.	Offences against the public tranquillity, Chapter VIII.	Offences by or relating to public servants, Chapter IX.	Contempts of the lawful authority of public servants, Chapter X.	False evidence and offences against public officers, Chapter XI.	Offences relating to coin and Government stamps, Chapter XII.	Offences relating to weights and measures, Chapter XIII.	Offences affecting the public health, safety, convenience, decency, and morals, Chapter XIV.	Offences relating to religion, Chapter XV.	Offences affecting the human body, Chapter XVI.	Offences against property, Chapter XVII.	Offences relating to documents and to trade or property marks, Chapter XVIII.	Criminal breach of contracts and service, Chapter XIX.	Offences relating to marriage, Chapter XX.	Defamation, Chapter XXI.	Criminal intimidation, insult, or annoyance, Chapter XXII.	Offences under special and local laws.	Total of true offences reported.	Remarks.
			OFFENCES UNDER THE INDIAN PENAL CODE.																			
ARAKAN.	Akyab	1884	...	...	29	2	9	40	7	1	36	...	418	594	2	2	5	5	26	337	1,513	
		1885	..	...	20	3	11	33	3	4	42	...	391	509	3	.	11	2	32	622	1,776	
	Kyaukpyu	1884	...	1	4	2	8	36	...	2	54	1	174	688	1	...	...	5	74	189	1,239	
		1885	1	...	19	11	10	37	...	2	50	3	315	783	4	...	2	4	69	362	1,681	
	Sandoway	1884	...	...	3	1	4	16	...	...	15	...	85	374	..	1	2	3	38	47	589	
		1885	...	...	8	...	...	9	...	...	49	...	84	323	...	2	2	2	27	126	632	
	Northern Arakan	1884	...	...	...	...		...	...	...	...	...	9	6	...	...	..	...	1	7	23	
		1885	...	...	...	...	1	...	...	...	..	...	3	6	...	...	4	...	1	5	20	
	Total ...	1884	...	1	36	5	21	92	7	3	105	1	686	1,662	3	3	7	13	139	580	3,364	
		1885	1	..	47	14	22	79	3	6	150	3	793	1,711	7	2	19	8	129	1,115	4,109	
PEGU.	Hanthawaddy	1884	...	...	28	4	10	31	2	...	63	...	221	1,108	1	...	8	2	74	132	1,664	
		1885	...	...	23	5	12	58	...	...	29	..	200	1,137	3	1	4	1	83	485	2,041	
	Pegu	1884	...	...	25	11	18	4	...	...	71	2	268	841	...	...	5	.	5	126	1,376	
		1885	...	...	12	10	7	55	1	...	50	3	280	630	...	...	9	..	50	507	1,614	
	Tharrawaddy	1884	...	...	53	12	6	36	3	1	74	2	335	1,245	2	..	6	2	71	481	2,319	
		1885	...	...	34	13	6	57	2	1	57	2	270	1,316	6	1	10	...	60	1,070	2,905	
	Prome	1884	...	...	65	7	19	44	4	1	263	4	598	1,254	2	...	6	15	182	652	3,316	
		1885	...	...	91	16	11	62	1	4	278	2	546	1,606	3	...	2	4	198	1,069	3,895	
	Total ...	1884	...	...	171	34	53	105	9	2	471	8	1,422	4,448	5	...	25	19	332	1,591	8,605	
		1885	...	...	160	44	36	232	4	5	414	7	1,296	4,699	12	2	25	5	391	3,131	10,455	
IRRAWADDY.	Henzada	1884	...	...	33	11	14	45	2	4	181	...	494	1,673	3	...	5	2	153	1,472	4,092	
		1885	...	...	30	13	9	24	...	...	39	...	180	669	1	..	1	1	71	2,829	3,867	
	Bassein	1884	...	...	47	17	37	46	2	...	232	4	619	1,786	1	5	14	9	176	563	3,558	
		1885	...	...	49	24	17	68	6	..	273	5	581	1,757	1	...	32	14	173	1,559	4,559	
	Thôngwa	1884	...	...	37	12	17	36	2	..	102	...	454	1,219	4	..	10	6	120	351	2,370	
		1885	...	1	71	21	39	40	6	1	241	4	500	1,590	1	3	12	6	197	935	3,758	
	Thayetmyo	1884	1	...	25	9	15	30	13	...	97	...	211	1,035	2	...	5	3	78	377	1,901	
		1885	4	...	11	7	11	19	2	...	76	4	275	617	...	...	2	6	75	371	1,480	
	Total ..	1884	1	...	142	49	83	157	19	4	612	4	1,778	5,713	10	5	34	20	527	2,763	11,921	
		1885	4	1	161	65	76	151	14	1	620	13	1,626	4,633	3	3	47	27	516	5,694	13,664	

True Offences reported under each Class in the year 1885 as compared with the previous year—(concluded).

Division.	Name of district.	Year.	Offences against the State, Chapter VI.	Offences against the Army and Navy, Chapter VII.	Offences against the public tranquillity, Chapter VIII.	Offences by or relating to public servants, Chapter IX.	Contempts of the lawful authority of public servants, Chapter X.	False evidence and offences against public officers, Chapter XI.	Offences relating to coin and Government stamps, Chapter XII.	Offences relating to weights and measures, Chapter XIII.	Offences affecting the public health, safety, convenience, decency, and morals, Chapter XIV.	Offences relating to religion, Chapter XV.	Offences affecting the human body, Chapter XVI.	Offences against property, Chapter XVII.	Offences relating to documents and to trade or property marks, Chapter XVIII.	Criminal breach of contracts and service, Chapter XIX.	Offences relating to marriage, Chapter XX.	Defamation, Chapter, XXI.	Criminal intimidation, insult, or annoyance, Chapter XXII.	Offences under special and local laws.	Total of true offences reported.	Remarks
			Offences under the Indian Penal Code.																			
Tenasserim.	Amherst	1884	...	1	4	4	6	25	...	2	60	1	250	666	2	...	7	1	103	185	1,319	
		1885	...	..	9	..	18	21	...	...	63	2	339	439	...	...	3	5	129	347	1,375	
	Shwegyin	1884	...	...	22	6	7	23	4	...	79	2	215	932	...	1	9	7	150	162	1,619	
		1885	...	...	17	11	8	17	2	..	56	...	270	835	...	...	12	6	119	459	1,812	
	Toungoo	1884	...	...	3	2	9	16	1	...	34	1	253	831	1	2	11	10	90	171	1,435	
		1885	1	...	10	1	11	31	2	...	42	...	209	759	1	2	6	3	89	424	1,591	
	Tavoy	1884	...	...	2	2	...	9	1	...	5	...	106	178	...	2	3	4	21	52	385	
		1885	...	...	10	2	...	4	1	...	9	1	96	141	..	1	...	12	24	83	384	
	Mergui	1884	...	...	6	...	...	2	...	...	13	...	75	175	..	...	...	...	46	50	367	
		1885	...	...	7	...	17	3	...	...	12	1	93	177	..	...	...	...	28	121	459	
	Salween	1884	...	...	...	...	...	1	...	...	5	...	11	19	...	...	1	1	4	7	49	
		1885	...	...	...	...	...	1	...	...	1	...	10	18	...	...	...	1	2	9	42	
	Moulmein	1884	...	...	10	1	5	29	...	1	54	1	424	273	2	1	32	17	246	1,798	2,594	
		1885	...	...	2	3	10	21	...	...	103	...	405	339	1	...	22	12	128	1,863	2,909	
	Total ...	1884	...	1	47	15	29	105	6	3	250	5	1,334	3,074	5	6	63	40	660	2,425	8,068	
		1885	1	...	55	17	64	98	5	...	286	4	1,422	2,708	2	3	43	39	519	3,306	8,572	
	Grand Total ..	1884	1	2	396	103	186	459	41	12	1,438	18	5,220	14,897	23	14	129	92	1,658	7,359	32,048	
		1885	6	1	423	140	198	560	26	12	1,479	27	5,139	13,741	24	10	134	79	1,555	13,246	36,800	
	Increase ..	1885	5	...	27	37	12	101	...	...	41	9	...	...	1		5	.	..	5,887	4,752	
	Decrease ...	1885	...	1	...	...	...	...	15	...	...	...	81	1,156	...	4	...	13	103	...	...	

7. The annexed tables show in a collected form the principle offences against the person and against property for the two past years :—

Offences affecting the Human Body.

Offences	Reported cases.		True cases.	
	1884.	1885.	1884.	1885.
Murder	158	187	143	127
Attempt at murder	22	27	19	23
Culpable homicide	44	36	36	35
Attempt at culpable homicide	...	2	...	2
Grievous hurt	325	332	301	310
Rape	188	147	100	86
Unnatural offences	13	10	9	6
Hurt	2,062	1,734	1,720	1,618
Criminal force and assault	2,914	2,853	2,705	2,649

Offences against Property.

Offences.	Reported cases.		True cases.	
	1884.	1885.	1884.	1885.
Dacoity	128	133	120	125
Robbery, including attempts	233	247	194	204
House-breaking and lurking house-trespass	1,050	1,047	894	932
Other house-trespass	586	476	488	402
Criminal trespass	410	427	348	367
Cattle-theft	1,626	1,590	1,335	1,364
Other thefts and receiving stolen property	11,967	10,268	10,177	8,942

These tables show the class of crime to which the Burman bad character is prone. Dacoity, robbery, house-breaking, and cattle-theft are slightly on the increase. The most serious offences against the person are nearly stationary.

8. Cases in which security was demanded for good behaviour in the past two years (Chapter VIII, Criminal Procedure Code) are shown below :—

Division.	Name of district.	Persons concerned.		Persons discharged.		Persons convicted.	
		1884.	1885.	1884.	1885.	1884.	1885.
ARAKAN	Akyab	104	75	42	23	62	52
	Kyaukpyu	163	78	58	12	105	62
	Sandoway	34	42	8	6	26	34
	Northern Arakan	1	...	1	...	...	...
	Total ...	302	195	109	41	193	148
PEGU	Hanthawaddy	63	176	18	27	45	149
	Pegu	85	141	34	30	51	111
	Tharrawaddy	96	409	16	82	79	324
	Prome	229	310	80	108	148	202
	Total ...	473	1,036	148	247	323	786
IRRAWADDY	Henzada	360	1,045	119	230	238	801
	Bassein	465	912	111	205	350	707
	Thôngwa	116	265	37	106	76	157
	Thayetmyo	92	57	28	29	63	28
	Total ...	1,033	2,279	295	570	727	1,693
TENASSERIM	Amherst	43	110	18	31	25	79
	Shwegyin...	100	97	46	31	54	66
	Toungoo	102	149	33	76	55	78
	Tavoy	40	6	6	2	34	4
	Mergui	1	65	...	36	1	29
	Salween	1	...	1	...	...	...
	Moulmein	78	51	30	36	48	14
	Total ...	365	478	134	212	217	265
	GRAND TOTAL ...	2,173	3,988	686	1,070	1,460	2,892

The number of security cases in the Arakan and Tenasserim divisions is nearly the same as in 1884. In the Pegu and Irrawaddy divisions the provisions of Chapter VIII, Code of Criminal Procedure, have been more extensively applied. Before the outbreak of the war with Upper Burma most of the Magistrates of the Irrawaddy valley took special precautions for the safety of their districts from dangerous persons from Upper Burma, and also from resident persons of known bad character. This increased use of preventive measures mainly took place in the last quarter of the year, the effects of it are therefore not everywhere very well marked, but I think it fair to attribute to it some part of the falling-off of offences against property in the Irrawaddy division, from 5,713 cases in 1884 to 4,633 cases in 1885. It has been my anxious care to supervise this preventive work of the Magistrates in revision, and I have called for and have examined very many cases to ascertain that the procedure was correctly followed, that there was evidence to justify the order, and that the order was reasonable. I was generally satisfied on these points. An additional safeguard is furnished by the appeal under section 406, Code of Criminal Procedure.

9. The following table shows the effective strength of the Magistracy at the close of the year :—

Number and Distribution of Magistrates.

Division.	Name of district.	Stipendiary Magistrates.				Special Magistrates.				Honorary Magistrates including Benches.			
		First class, including District Magistrates.	Second class.	Third class.	Total.	First class.	Second class.	Third class.	Total.	First class.	Second class.	Third class.	Total.
Arakan.	Akyab	4	2	4	10	...	...	...	...	...	8	...	8
	Kyaukpyu ...	2	5	...	7	...	...	...	...	...	...	...	...
	Sandoway ...	1	1	2	4	...	...	...	...	...	...	...	...
	Northern Arakan ...	1	...	...	1	...	...	...	...	...	..	...	...
	Total ...	8	8	6	22	...	...	...	...	...	8	...	8
Pegu.	Hanthawaddy ...	2	1	4	7	...	...	...	...	..	...	...	...
	Pegu	3	6	...	9	...	...	...	...	...	...	...	...
	Tharrawaddy ...	3	3	2	8	...	...	...	...	...	...	...	...
	Prome	4	5	1	10	...	...	...	...	...	4	...	4
	Total ...	12	15	7	34	...	...	...	...	...	4	...	4
Irrawaddy.	Henzada	5	2	3	10	...	...	...	...	...	4	...	4
	Bassein	6	6	2	14	...	...	...	...	...	7	...	7
	Thôngwa	4	5	1	10	...	1	...	1	...	...	...	...
	Thayetmyo ...	3	4	...	7	...	...	...	...	...	...	...	...
	Total ...	18	17	6	41	...	1	...	1	...	11	...	11
Tenasserim.	Amherst	4	5	6	15	...	...	1	1	...	...	4	4
	Shwegyin... ...	3	4	1	8	...	...	...	...	...	...	...	...
	Toungoo	2	2	6	10	...	...	...	...	...	...	4	4
	Tavoy	2	3	...	5	...	...	...	...	...	...	...	...
	Mergui	1	3	2	6	...	...	...	...	...	...	...	...
	Salween	1	1	...	2	...	...	...	...	...	...	...	...
	Moulmein ...	2	...	...	2	...	...	1	1	...	10	...	10
	Total .	15	18	15	48	...	...	2	2	...	10	8	18
	Grand Total ...	53	58	34	145	...	1	2	3	...	33	8	41

An addition has been made to the Benches of Honorary Magistrates by the establishment of a Bench for the Amherst Headquarters division.

10. The next table shows how the criminal judicial work of the past year was distributed among Magistrates.

Persons disposed of by Magistrates.

Division.	Name of district.	At headquarters of districts.				At headquarters of subdivisions.			At headquarters of townships.			Total disposed of.
		District Magistrates.	Assistant and Extra Assistant Commissioners.	Myoôks.	Honorary and Special Magistrates.	Assistant and Extra Assistant Commissioners.	Myoôks.	Honorary and Special Magistrates.	Assistant and Extra Assistant Commissioners.	Myoôks.	Honorary and Special Magistrates.	
Arakan.	Akyab ...	174	860	...	226	...	313	...	...	1,068	...	2,641
	Kyaukpyu ...	223	267	107	...	...	395	...	135	286	...	1,363
	Sandoway ...	258	...	72	...	...	...	...	...	249	...	579
	Northern Arakan	24	...	...	...	...	...	...	...	...	...	24
	Total ...	679	1,127	179	226	...	708	...	135	1,553	...	4,607
Pegu.	Hanthawaddy ...	433	...	77	...	780	...	...	...	1,091	...	2,381
	Pegu ...	117	454	232	...	368	269	...	673	431	...	2,544
	Tharrawaddy ...	251	324	...	...	1,004	...	...	497	1,522	...	3,598
	Prome ...	141	1,119	27	488	1,788	438	...	521	879	...	5,396
	Total ...	942	1,897	336	488	3,935	707	...	1,691	3,923	...	13,919
Irrawaddy.	Henzada ...	285	3	927	1,397	2,128	285	...	...	1,154	...	6,179
	Bassein ...	182	487	784	640	866	...	...	...	3,361	...	6,320
	Thôngwa ...	382	...	393	...	973	1,074	...	...	1,907	120	4,849
	Thayetmyo ...	132	494	348	...	486	288	...	...	285	...	2,033
	Total ...	981	984	2,452	2,037	4,453	1,647	...	...	6,707	120	19,381
Tenasserim.	Amherst ...	157	199	8	131	268	106	...	413	790	...	2,072
	Shwegyin ...	262	519	...	...	921	152	...	158	210	...	2,222
	Toungoo ...	159	729	...	291	28	15	...	...	605	...	1,827
	Tavoy ...	147	248	...	...	...	...	...	277	...	...	672
	Mergui ...	380	249	46	...	...	...	...	...	94	...	769
	Salween ...	20	...	55	...	...	...	...	...	...	...	75
	Moulmein ...	404	...	1,270	2,234	...	...	...	...	...	...	3,908
	Total ...	1,529	1,944	1,379	2,656	1,217	278	...	848	1,699	...	11,545
	Grand Total ...	4,131	5,952	4,346	5,407	9,605	3,335	...	2,674	13,882	120	49,452
	Percentage to total disposed of.	8·35	12·04	8·79	10·94	19·42	6·74	...	5 41	28·07	0·24	100·

Besides District Magistrates the following Magistrates were empowered at the close of the year to try cases summarily:—

	No.
Cantonment Magistrate	1
Assistant Commissioners	7
Extra Assistant Commissioners	3
Myoôks	...
Special Magistrates	...
Honorary Magistrates, including Benches	30
Total ...	41

11. The following table shows to what extent Magistrates used their summary powers:—

Cases disposed of by Magistrates under Summary Powers.

Division.	Name of district.	Total cases tried by Stipendiary and Honorary Magistrates.			Number of cases tried summarily.			Percentage of cases tried summarily to total cases tried.
		By Magistrate of district.	By other Magistrates.	Total.	By Magistrate of district.	By other Magistrates.	Total.	
Arakan.	Akyab	137	1,552	1,689	3	355	358	21·20
	Kyaukpyu	176	873	1,049	20	...	20	1·91
	Sandoway	202	236	438	69	...	69	15·75
	Northern Arakan	20	...	20	9	...	9	45·00
	Total ...	535	2,661	3,196	101	355	456	14·27
Pegu.	Hanthawaddy	299	1,136	1,435	5	129	134	9·34
	Pegu	59	1,496	1,555	...	45	45	2·89
	Tharrawaddy	146	2,317	2,463	...	...	...	...
	Prome	104	3,326	3,430	1	861	862	25·13
	Total ...	608	8,275	8,883	6	1,035	1,041	11·72
Irrawaddy.	Henzada	193	4,520	4,713	15	140	155	3·29
	Bassein	100	3,790	3,890	23	10	33	0·85
	Thôngwa	216	2,472	2,688	33	66	99	3·68
	Thayetmyo	86	1,098	1,184	11	176	187	15·79
	Total ...	595	11,880	12,475	82	392	474	3·80
Tenasserim.	Amherst	130	1,228	1,358	2	74	76	5·60
	Shwegyin	180	1,111	1,291	12	62	74	5·73
	Toungoo	101	1,084	1,185	18	115	133	11·22
	Tavoy	76	803	879	...	...	...	...
	Mergui	182	223	405	92	...	92	22·72
	Salween	8	34	42	...	...	...	...
	Moulmein	253	2,571	2,824	126	...	126	4·46
	Total ...	930	6,554	7,484	250	251	501	6·69
	Grand Total ...	2,668	29,370	32,038	439	2,033	2,472	7·72

12. The following table shows the number and class of cases disposed of by the District Magistrates in the past two years under these powers:—

Table showing the Number of Cases and Persons disposed of by District Magistrates under their Special Powers.

Division.	District.	Year.	Number of cases disposed of.	Number of persons disposed of.	Description of offence charged.
ARAKAN	Akyab ...	1884	9	10	Under sections 232, 233/109, 380, 392, and 457 of the Indian Penal Code.
		1885	22	27	Under sections 325, 326, 379, 380, 409, and 457 of the Indian Penal Code.
	Kyaukpyu ...	1884	28	33	Under sections 326, 379, 380, 382, 392, 394, 395, 397, 398, 436, 452, 457, and 458 of the Indian Penal Code.
		1885	10	10	Under sections 307, 325, 326, 380, 409, 411, 454, and 457 of the Indian Penal Code.
	Sandoway ...	1884	10	16	Under sections 302, 307, 376, 379, 380, 396, 436, 457, and 511 of the Indian Penal Code.
		1885	9	11	Under sections 302, 376, 380, 411, and 457 of the Indian Penal Code.
	Northern Arakan ...	1884	...	...	.....
		1885	...	...	.....
PEGU	Hanthawaddy ...	1884	26	47	Under sections 326, 379, 380, 384, 392, 394, 395, 409, 411, 457, and 471 of the Indian Penal Code.
		1885	55	109	Under sections 193, 324, 326, 376, 379, 392, 393, 394, 395, 402, 411, 414, 436, 457, and 466 of the Indian Penal Code.
	Pegu	1884	31	54	Under sections 366, 376, 377, 379, 380, 392, 394, 397, 409, 411, and 414 of the Indian Penal Code.
		1885	31	59	Under sections 335, 376, 379, 380, 392, 394, 397, 402, 409, 412, 413, and 436 of the Indian Penal Code.
	Tharrawaddy ...	1884	53	64	Under sections 376, 379, 380, 382, 392, 394, 395, 397, 398, 411, 412, 414, and 436 of the Indian Penal Code.
		1885	41	82	Under sections 326, 379, 380, 382, 392, 393, 394, 395, 409, and 411 of the Indian Penal Code.
	Prome ...	1884	21	39	Under sections 376, 379, 380, 381, 382, 394, and 457 of the Indian Penal Code.
		1885	28	38	Under sections 307, 326, 376, 379, 381, 382, 392, 394, 395, and 457 of the Indian Penal Code.
IRRAWADDY	Henzada ...	1884	29	40	Under sections 326, 379/75, 380/75, 382, 392, 394, 436, 452, 454, 457, and 468 of the Indian Penal Code.
		1885	24	45	Under sections 324, 326, 379/75, 380/75, 382, 392, 394, 395, 397, 409, 411/75, 436, 457/75, 468, and 511 of the Indian Penal Code.
	Bassein ...	1884	13	14	Under sections 326, 379, 392, 393, 394, 409, 457, and 459 of the Indian Penal Code.
		1885	13	23	Under sections 240, 526, 366, 379, 380, 392, 394, 457, and 458 of the Indian Penal Code
	Thôngwa ...	1884	40	69	Under sections 201, 302, 326, 366, 376, 379, 380, 392, 393, 394, 397, 398, 409, 436, 457, 467, 468, and 471 of the Indian Penal Code.
		1885	52	97	Under sections 292, 243, 307, 326, 366, 370, 376, 379, 380, 382, 392, 394, 395, 409, 436, and 457 of the Indian Penal Code.
	Thayetmyo ...	1884	15	37	Under sections 379, 380, 395, 402, 412, 457, and 511 of the Indian Penal Code.
		1885	5	5	Under sections 193, 326, and 379/75 of the Indian Penal Code, and section 48 of the Post Office Act.
TENASSERIM	Amherst ...	1884	8	10	Under sections 376, 379, 380, 411, and 457 of the Indian Penal Code.
		1885	43	44	Under sections 304, 304A, 379/75, 233/109, 323, 326, 363, 376, 379, 379/75, 379/414, 380, 380/75, 382/75, 414, 436, 457/75, 458, and 459 of the Indian Penal Code.
	Shwegyin ...	1884	36	56	Under sections 326, 363, 376, 379, 392, 394, 395, 397, 402, 411, 414, 419, 436, and 457 of the Indian Penal Code.
		1885	32	56	Under sections 302, 326, 379, 380, 392, 394, 395, 436, 448, 457, and 459 of the Indian Penal Code.
	Toungoo ...	1884	14	21	Under sections 379, 380, 392, 394, 395, 408, 411, 436, and 457 of the Indian Penal Code.
		1885	19	40	Under sections 126, 235, 304, 328, 379, 380, 382, 394, 403, 411, 456, 457, and 458 of the Indian Penal Code.
	Tavoy ...	1884	15	19	Under sections 232, 324, 326, 363, 376, 379, 380, and 457 of the Indian Penal Code.
		1885	3	5	Under sections 379, 457, and 459 of the Indian Penal Code.
	Mergui ...	1884	3	3	Under sections 326, 328, and 380 of the Indian Penal Code.
		1885	3	3	Under sections 292 and 380 of the Indian Penal Code.
	Salween ...	1884	1	3	Under section 395 of the Indian Penal Code.
		1885	...	...	.....
	Moulmein ...	1884	1	1	Under section 408 of the Indian Penal Code.
		1885	...	...	.....
	Total ...	1884	353	586	Under sections 201, 232, 233/109, 302, 307, 324, 326, 328, 363, 366, 376, 379, 379/75, 380, 380/75, 381, 382, 384, 392, 393, 394, 395, 396, 397, 398, 402, 408, 409, 411, 412, 414, 419, 436, 452, 454, 457, 458, 459, 468, 471, and 511 of the Indian Penal Code.
		1885	390	654	Under sections 126, 193, 232, 235, 240, 243, 292, 302, 304, 304A, 307, 319/75, 323/414, 323, 324, 325, 326, 328, 335, 336, 370, 376, 379, 379/75, 379/414, 380, 380/75, 381, 382, 392, 393/414, 394, 395, 397, 402, 403, 409, 411, 411/75, 412, 413, 414, 436, 448, 454, 456, 457, 457/75, 458, 459, 466, 468, and 511 of the Indian Penal Code, and section 48 of the Post Office Act.

Except in the Hanthawaddy and Amherst districts Magistrates have exercised their special powers in nearly the same number of cases as in 1884.

The difficulty of procuring the attendance of witnesses in Burma is generally very great owing to the long distances to be travelled to headquarters. These powers enable District Magistrates to relieve Sessions Courts of the less serious cases, and they afford very great relief to the witnesess. It is true that sometimes District Magistrates err in trying cases which their powers will not permit them to deal with adequately, but as all sentences passed in the exercise of these powers require the confirmation of the Sessions Judge, and as very many of the sentences so confirmed come before me in appeal, any tendency to usurp the jurisdiction of the Sessions Court is commented on and discouraged.

13. The next four tables show the work done by the different classes of Magistrates during each of the past five years.

Work done by District Magistrates.

Division.	Name of district.	Persons disposed of.				
		1881.	1882.	1883.	1884.	1885.
Arakan	Akyab	67	115	105	188	174
	Kyaukpyu	151	136	168	191	228
	Sandoway	118	142	164	170	258
	Northern Arakan	22	16	19	69	24
	Total ...	358	409	456	618	679
Pegu	Hanthawaddy	74	145	176	265	433
	Pegu	...	...	225	163	117
	Tharrawaddy	227	133	249	197	251
	Prome	244	190	187	224	141
	Total ...	545	468	837	849	942
Irrawaddy	Henzada	396	327	386	271	285
	Bassein	246	131	477	187	182
	Thôngwa	266	238	215	151	382
	Thayetmyo	114	285	181	236	132
	Total ...	1,022	981	1,259	845	981
Tenasserim	Amherst	108	79	110	152	157
	Shwegyin	118	125	184	208	262
	Toungoo	205	218	257	122	159
	Tavoy	93	107	87	117	147
	Mergui	425	238	232	171	380
	Salween	46	39	48	84	20
	Moulmein	1,316	402	443	630	404
	Total ...	2,306	1,198	1,361	1,484	1,529
	Grand Total ...	4,231	3,056	3,913	3,746	4,131
	Percentage to total disposed of by all Magistrates.	13·88	9·11	10·49	9·07	8·85

The District Magistrates of Sandoway, Hanthawaddy, Tharrawaddy, Thôngwa, Shwegyin, and Mergui have done considerably more original criminal judicial work in 1885 than was done in the previous year. A marked falling off in this respect occurred in the following districts: Pegu, Prome, Thayetmyo, and Moulmein.

Work done by Assistant Commissioners and Extra Assistant Commissioners.

Division.	Name of district.	Persons disposed of.				
		1881.	1882.	1883.	1884.	1885.
Arakan	Akyab	835	782	788	1,196	860
	Kyaukpyu	218	172	311	181	402
	Sandoway	227	186	8	...	...
	Northern Arakan	...	...	...	...	...
	Total ...	1,275	1,140	1,097	1,377	1,262
Pegu	Hanthawaddy	625	865	1,051	987	780
	Pegu	671	861	887	521	1,495
	Tharrawaddy	1,327	760	1,048	1,170	1,825
	Prome	3,167	3,124	3,495	3,678	3,423
	Total ...	5,790	5,610	6,481	6,356	7,523
Irrawaddy	Henzada	1,403	699	889	1,450	2,131
	Bassein	1,250	1,103	710	1,014	1,353
	Thôngwa	885	775	884	336	973
	Thayetmyo	814	997	1,115	1,128	980
	Total ...	4,352	3,574	3,598	3,928	5,437
Tenasserim	Amherst	718	835	784	757	880
	Shwegyin	1,240	1,297	1,233	1,016	1,598
	Toungoo	618	528	507	598	757
	Tavoy	267	292	173	318	525
	Mergui	202	145	211	196	249
	Salween	...	...	...	...	...
	Moulmein	...	...	...	...	...
	Total ...	3,045	3,097	2,908	2,880	4,009
	Grand Total ...	14,462	13,421	14,084	14,541	18,231
	Percentage to total disposed of by all Magistrates.	47·26	40·08	37·75	35·20	36·87

Work done by Myoôks.

Division.	Name of district.	Persons disposed of.				
		1881.	1882.	1883.	1884.	1885.
Arakan	Akyab	910	801	865	714	1,381
	Kyaukpyu	748	1,024	722	870	738
	Sandoway	208	246	309	329	321
	Northern Arakan	...	...	...	...	...
	Total ...	1,866	2,071	1,896	1,913	2,440
Pegu	Hanthawaddy	506	741	521	598	1,168
	Pegu	571	587	956	1,548	932
	Tharrawaddy	663	1,815	1,453	1,771	1,522
	Prome	706	669	511	854	1,344
	Total ...	2,446	3,812	3,441	4,766	4,966
Irrawaddy	Henzada	1,044	2,149	2,483	2,266	2,366
	Bassein	2,126	2,069	2,748	3,084	4,145
	Thôngwa	1,204	1,576	2,118	2,903	3,374
	Thayetmyo	680	718	505	886	921
	Total ...	5,054	6,512	7,854	9,139	10,806
Tenasserim	Amherst	687	657	721	844	904
	Shwegyin	321	324	486	708	362
	Toungoo	341	482	480	464	620
	Tavoy	74	58	55	35	...
	Mergui	115	76	103	46	140
	Salween	39	22	34	37	55
	Moulmein	307	500	1,051	1,428	1,270
	Total ...	1,884	2,119	2,930	3,562	3,351
	Grand Total ...	11,200	14,514	16,121	19,380	21,563
	Percentage to total disposed of by all Magistrates.	36 60	43·29	43·21	46·91	43·60

Work done by Honorary Magistrates, including Benches and Special Magistrates.

Division.	Name of district.	Persons disposed of.				
		1881.	1882.	1883.	1884.	1885.
Arakan	Akyab	20	280	369	178	226
	Kyaukpyu	...	...	...	...	...
	Sandoway	...	...	...	...	...
	Northern Arakan	6	...	...	...	...
	Total ...	26	280	369	178	226
Pegu	Hanthawaddy	...	...	...	...	...
	Pegu	...	...	...	...	...
	Tharrawaddy	...	...	...	...	...
	Prome	39	150	3	286	488
	Total ...	39	150	3	286	488
Irrawaddy	Henzada	24	154	227	396	1,397
	Bassein	166	333	352	326	640
	Thôngwa	...	11	171	111	120
	Thayetmyo	...	...	...	...	...
	Total ...	190	498	750	833	2,157
Tenasserim	Amherst	58	63	47	96	131
	Shwegyin	...	...	...	...	...
	Toungoo	60	290	212	271	291
	Tavoy	...	...	...	...	...
	Mergui	...	...	...	...	...
	Salween	...	...	...	...	...
	Moulmein	335	1,255	1,806	1,983	2,234
	Total ...	453	1,608	2,065	2,350	2,656
	Grand Total ...	708	2,536	3,187	3,647	5,527
	Percentage to total disposed of by all Magistrates.	2·31	7·57	8·55	8·83	11·18

The Benches continue to do useful work. They relieve the Stipendiary Magistrates of much of the less important judicial business. In my tours I have examined the work done by them and I have been generally satisfied. Where the Bench is new, District Magistrates should assist the Bench in the conduct of cases, and should explain the law and procedure until the Honorary Magistrates become more familiar with judicial business. As occasion permitted I have urged District Magistrates to refer more cases to their Benches. I have the satisfaction of finding that in 1885 Benches disposed of 3,681 cases as compared with 2,375 in 1884.

Colonel Alexander, Deputy Commissioner of Prome, speaking of the Honorary Magistrates of Prome, says:

"They have worked well and sat regularly twice a week. The total number of cases decided by them has been 247 against 149 of the preceding year.

"It is a first rate institution, and I would gladly increase the numbers on the Bench, but find a difficulty in getting men to accept appointment."

The Amherst Bench is new and requires guidance. I had an opportunity a few days ago of examining the work of this Bench, and I have asked the District Magistrate to sit with the Honorary Magistrates and assist them for a time in the discharge of their duties.

14. The two following tables show the results of inquiries and trials before Magistrates during the past two years for the whole district and also under selected offences:—

Result of Trials and Inquiries by Magistrates in each District.

Division.	District.	Persons under trial.	Convicted or committed.	Acquitted or discharged.	Died, escaped, transferred, or remaining.	Percentage of convictions and committals to total tried.	
						1884.	1885.
Arakan.	Akyab	2,720	1,558	1,083	79	60·19	58·99
	Kyaukpyu	1,381	835	528	18	63·84	61·26
	Sandoway	589	403.	176	10	59·52	69·60
	Northern Arakan	30	16	8	6	36·23	66·67
	Total ...	4,720	2,812	1,795	113	60·82	61·04
Pegu.	Hanthawaddy	2,440	1,431	950	59	58·38	60·10
	Pegu	2,588	1,390	1,154	44	53·21	54·64
	Tharrawaddy	3,716	2,183	1,415	118	64·79	60·67
	Prome	5,492	3,529	1,867	96	65·45	65·40
	Total ...	14,236	8,533	5,386	317	61·99	61·30
Irrawaddy.	Henzada	6,255	4,067	2,112	76	64·79	65·82
	Bassein	6,439	3,780	2,540	119	54·70	59 81
	Thôngwa	4,959	2,659	2,190	110	55·93	54·84
	Thayetmyo	2,147	1,188	845	114	63·33	58·44
	Total ...	19,800	11,694	7,687	419	59·31	60·34
Tenasserim.	Amherst	2,117	1,195	877	45	58·63	57·67
	Shwegyin	2,360	1,207	1,015	138	53·73	54·32
	Toungoo	1,851	1,000	827	24	49·17	54·78
	Tavoy	682	389	283	10	61·91	57·89
	Mergui	776	454	315	7	60·77	59·04
	Salween	78	49	26	3	47·89	65·33
	Moulmein	4,097*	2,327	1,566	189	61·79	59·77
	Total ...	11,961	6,621	4,909	416	57·77	57·42
	Grand Total ...	50,717	29,660	19,777	1,265	59·87	60·00

* Includes 11 persons whose cases were compounded and four persons not found.

These figures are apt to be delusive because, for the purposes of the percentage, a petty municipal case has the same numerical value as a case of murder. As the number of prosecutions in petty cases under special and local laws increases (and in them convictions are almost certain) there is an apparent improvement in the success of the police in dealing with crime.

Result of Trials and Inquiries by Magistrates under Selected Offences.

Description of offence.	Number of persons discharged, acquitted, convicted, or committed.	Convicted or committed.		
		Number.	Percentage.	
			1884.	1885.
Offences against public tranquillity	2,208	1,422	57·67	64·55
Grievous hurt	450	284	57·68	52·00
Simple hurt	2,422	984	45·45	40·63
Criminal force or assault	4,247	1,481	36·46	33·69
Rape	70	25	48·10	35·71
Theft (ordinary and of cattle)	8,648	5,865	68·61	62·07
Extortion with aggravating circumstances	8	1	51·43	33·33
Robbery, including attempts	284	177	64·52	62·32
Dacoity	262	184	68·40	70·23
Criminal misappropriation	320	178	70·24	54·06
Criminal breach of trust	268	139	53·53	51·87
Receiving or habitually dealing in stolen property	824	515	69·27	62·50
Cheating	224	89	39·69	39·73
Mischief	798	250	35·18	31·33
Criminal trespass	740	168	29·54	22·70
House-trespass	578	252	40·74	43·98
House-breaking and lurking house-trespass by day or night ...	706	399	61·26	56·52
Offences relating to documents and to trade or property marks ...	30	4	56·67	13·33
Defamation	102	25	17·97	24·51
Criminal intimidation, insult, and annoyance	2,163	635	32 22	29·36
Nuisances under Cantonment, Municipal, and Police Acts ...	3,842	3,292	89·78	85·68
Breaches of other special and local laws	15,542	11,046	71·01	71·07

There is a slight improvement in dealing with dacoity, offences against public tranquillity, and house-trespass. In dealing with other serious offences the success has been generally below the results of 1884.

14A. The number of persons committed to the Sessions and the proportion of convictions to committals is shown below.

Sessions division.	Cases committed.	Persons committed.	Percentage of persons convicted to total persons disposed of.	
			1884.	1885.
Arakan	42	54	86·20	87·23
Pegu	89	163	47·74	48·10
Irrawaddy	127	254	64 80	60·63
Tenasserim...	42	57	61·33	68·52
Moulmein	37	47	56·92	44·68
Total ...	337	575	61·40	58·63

The results of trials in Sessions Courts are on the whole a little worse than in 1884.

The poor results in Moulmein are attributed by the Sessions Judge to want of care in committing cases.

Before the Magistrates the Moulmein police had a greater measure of success, the percentage of convictions being 59·77, but this includes convictions in a very

large number of offences against the Municipal and other local and special Acts [true reported offences being 1,863 out of a total of 2,909 offences of all classes], and in these there were convictions in about 80 per cent. of the cases sent up for trial.

The results in the Pegu division are slightly better than in 1884, but they continue to be unsatisfactory. In this division the percentage of acquittals is largest in the Tharrawaddy district, being nearly 80 per cent. of the persons committed.

Before the Magistrates, however, the average of success of the police in this division is greater than in any other division in the province. I have asked the District Magistrate of Tharrawaddy to report on the large number of failures in committals from his district and I will address Government again on this subject.

15. The following table compares the sentences passed in Sessions Courts in the past two years :—

Punishments in Sessions Courts.

Class of punishment.	1884.	1885.
Death	45	36
Transportation for life	60	63
Transportation for a term	57	37
Rigorous imprisonment only	196	151
Simple imprisonment only	2	4
Fine only	...	1
Whipping only	2	11
Fine and whipping only	...	...
Rigorous imprisonment with fine...	22	5
Rigorous imprisonment with whipping	9	2
Simple imprisonment with fine	...	...
Total ...	393	310

16. The next table shows the different classes of punishments inflicted in Magisterial Courts.

Punishments in Magisterial Courts.

Division.	Name of district.	Total number of persons punished.	Fine only.		Whipping only.		Fine and whipping only.		Rigorous imprisonment only.		Simple imprisonment only.		Rigorous or simple imprisonment with fine or whipping or both.		Solitary confinement.		Transportation for a term.	
			Number of persons.	Percentage to total punished.	Number of persons.	Percentage to total punished.	Number of persons.	Percentage to total punished.	Number of persons.	Percentage to total punished.	Number of persons.	Percentage to total punished.	Number of persons.	Percentage to total punished	Number of persons.	Percentage to total punished.	Number of persons.	Percentage to total punished.
Arakan	Akyab	1,522	752	49·41	58	3·81	..	..	520	34·17	7	0·46	165	10·84	5	0·33	..	..
	Kyaukpyu	824	343	41·63	58	7·04	3	0·36	299	36·29	11	1·33	95	11·53	1	0·12	..	..
	Sandoway	383	143	37·34	4	1·04	..	..	157	40·99	2	0·52	60	15·67	..	..	..	..
	Northern Arakan ..	16	10	62·50	2	12·50	..	..	4	25·00	..	..	..	..	..	..	..	..
	Total ..	2,745	1,248	45·46	122	4·44	3	0·11	980	35·70	20	0·73	320	11·66	6	0·22	..	..
Pegu	Hanthawaddy ..	1,349	491	36·40	54	4·00	..	..	638	47·29	39	2·89	83	6·15	3	0·22	..	..
	Pegu	1,318	657	49·85	54	4·10	..	..	444	33·69	13	0·99	87	6·60	..	..	..	..
	Tharrawaddy ..	1,990	687	34·52	90	4·52	..	..	639	32·11	8	0·40	240	12·06	31	1·56	..	..
	Prome	3,203	1,928	60·19	168	5·25	..	..	782	24·41	11	0·34	226	7 06	10	0·31	..	..
	Total ..	7,860	3,763	47·88	366	4·66	..	..	2,503	31·84	71	0·90	636	8·09	44	0·56	..	..
Irrawaddy	Henzada	3,962	2,266	57·19	134	3·38	..	..	1,377	34·76	15	0·38	40	1·01	5	0·13	..	..
	Bassein	3,691	1,854	50·25	208	5 64	1	0·03	825	22·35	37	1·00	382	10·35	10	0·27	..	..
	Thôngwa	2,491	1,450	58·21	67	2·69	..	..	704	28·26	28	1·12	137	5·50	12	0·48	2	0 08
	Thayetmyo	1,119	733	65·50	111	9·92	..	..	227	20·29	8	0·71	27	2·41	2	0 18	..	..
	Total ..	11,263	6,303	55·96	520	4·62	1	0·01	3,133	27·82	88	0·78	586	5·20	29	0 26	2	0·02
Tenasserim	Amherst	1,174	653	55·62	13	1·11	..	..	383	32·62	28	2·39	58	4·94	2	0·17	..	..
	Shwegyin	1,184	729	61·57	30	2·53	..	..	303	25·59	24	2·03	58	4·90	..	..	..	..
	Toungoo	986	622	63·08	51	5·17	..	..	184	18·66	6	0·61	75	7·61	16	1·62	7	0·71
	Tavoy	386	225	58·29	16	4·15	..	..	109	28·24	..	..	1	0·26	..	..	..	..
	Mergui	452	221	48·89	35	7·74	..	..	126	27·88	15	3·32	43	9·51	..	..	..	..
	Salween	46	3	6 52	..	..	..	..	17	36·96	..	..	26	56·52	..	..	..	..
	Moulmein	2,280	2,041	89 52	41	1·80	..	..	145	6·36	16	0·70	27	1·18	1	0·04	..	..
	Total ..	6,508	4,494	69·05	186	2·87	..	..	1,267	19 47	89	1·37	288	4·43	19	0·29	7	0·11
	Grand Total ..	28,376	15,808	55·71	1,194	4·21	4	0·01	7,883	27·78	268	0·94	1,830	6·45	98	0·35	9	0·03

The degrees of punishment inflicted in Sessions and Magisterial Courts are given below.

Degrees of Punishment in Sessions and Magisterial Courts.

Degrees of punishment.	1884.		1885.	
	Persons.	Percentage.	Persons.	Percentage.
Imprisonment (a)—				
Not exceeding 15 days	1,155	12·62	824	7·80
Not exceeding 6 months	4,987	54·48	6,401	60·56
Not exceeding 2 years	2,215	24·20	2,601	24·61
Not exceeding 7 years	758	8·28	715	6·76
Exceeding 7 years	39	·42	29	·27
Total ...	9,154	100·	10,570	100·
Whipping (b)—				
10 stripes and under	220	18·50	269	17·67
11 to 20 stripes	582	48·95	773	50 79
21 to 30 stripes	387	32·55	480	31·54
Total ...	1,189	100·	1,522	100·
Fine (c)—				
Rupees 10 and under	10,693	67·19	11,526	66·39
Rupees 50 and under	4,183	26·28	4,653	26·80
Rupees 100 and under	740	4·65	890	5·12
Rupees 500 and under	286	1·80	281	1·62
Rupees 1,000 and under	9	·06	12	·07
Exceeding Rs. 1,000	3	·02	...	...
Total ...	15,914	100·	17,862	100·

(*a*) With or without fine or whipping. | (*b*) With or without imprisonment or fine.
(*c*) With or without imprisonment or whipping.

It is satisfactory to notice a tendency on the part of Magistrates to avoid the use of the shortest terms of imprisonment. Whipping has been more often resorted to than in the previous year. Native Magistrates are generally averse to inflicting sentences of whipping. I think this is much to be regretted, and as opportunity has offered, I have pointed out the inefficiency of short sentences of imprisonment as compared with this form of punishment. The bulk of the people spend the major part of their lives in the open air; their health suffers in prison, it is impossible in the existing jails to keep first offenders from the contaminating influences of old criminals; there are practical difficulties in executing short sentences of imprisonment when ordered at outlying Courts, owing to the distances to be travelled to the district jail. These are some of the reasons which from time to time I have brought to the notice of the Subordinate Magistracy in advising them to refrain from passing sentences of a few days' imprisonment.

I think the time has come for the re-drafting of the Whipping Act (VI of 1864). Some of its intricacies are, I think, needless pitfalls in the way of Magistrates. Thus when the first conviction is under section 379, Indian Penal Code, and the second conviction is under section 380, Indian Penal Code, whipping may not be awarded as an additional punishment, as the two offences are not the same. It seems to me hard to justify this distinction.

The list of offences given in sections 2 and 4 of the Act might properly be enlarged. I would amend section 3 by providing that on second conviction of any one of the offences set out in section 2 whipping may be awarded, although the two offences are not under the same section of the Penal Code. Attempts to commit those offences might properly receive the same kind of punishment.

17. *Table showing the Sentences passed on Persons previously convicted.*

Number of times previously convicted.	NUMBER OF PERSONS SENTENCED TO									
	IMPRISONMENT OTHERWISE THAN IN DEFAULT OF FINE.									
	Transportation.	Above seven years.	Seven years and under.	Two years and under.	Six months and under.	Two months and under.	Fifteen days and under.	Fine only.	Whipping only.	Total.
Persons previously convicted once ...	5	2	69	410	311	67	9	264	61	1,198
Persons previously convicted twice ...	4	1	73	186	45	8	3	86	16	322
Persons previously convicted three times...	4	...	32	25	8	2	...	1	2	69
Persons previously convicted four times ...	1	1	9	3	...	...	...	...	...	14
Persons previously convicted five times ...	...	...	1	...	...	...	...	...	...	1
Persons previously convicted six times ...	1	...	...	...	...	...	...	...	...	1
Persons previously convicted seven times...	...	...	...	...	...	...	...	...	...	...
Persons previously convicted nine times...	...	...	...	...	...	...	1	...	...	1
Persons previously convicted ten times ...	...	...	1	...	...	...	...	...	...	1
Total ...	15	4	185	574	359	77	13	301	79	1,607

Somewhat greater attention has been paid to searches for previous convictions, but much more care is necessary. Some of the sentences passed are not such as I approve of. It has been my frequent duty, in revision, to require Magistrates to apply the provisions of section 75, Indian Penal Code. Throughout the year this has engaged my attention, and from the more recent returns I have reason to think that Magistrates are now more alive to their duties in this matter.

18. The fines imposed, realized, remitted, and struck off as unrealizable in the past two years, and the amount of compensation given to complainants, is shown below.

	1884.			1885.		
	Rs.	A.	P.	Rs.	A.	P.
Imposed	3,20,691	12	10	3,15,010	3	4
Realized	1,98,685	9	1	2,15,315	12	8
Remitted	10,558	6	8	9,697	12	6
Struck off	30,777	3	3	26,748	4	5
Compensation granted	31,841	13	4	34,672	0	7

The realizations bear a better proportion to the fines imposed than in 1884. But errors are too often made in imposing fines which are beyond the means of the offender. More use has been made of the power of granting compensation out of the fines than in 1884, but much more should be done in this direction.

19. The next table shows the detention of witnesses in Magisterial Courts and the number of witnesses examined.

Examination and Detention of Witnesses in Magisterial Courts.

Witnesses discharged in all Courts.	1884.		1885.		Number of witnesses examined.	
	Number.	Percentage to total witnesses discharged.	Number.	Percentage to total witnesses discharged.	1884.	1885.
First day	88,107	87·03	104,126	86·55	81,965	95,258
Second day	10,222	10·10	12,398	10·31	9,689	11,724
Third day	2,044	2·02	2,648	2·20	1,824	2,509
After third day...	874	·86	1,133	·94	861	1,082
Total ...	101,247	100·	120,305	100·	94,289	110,573

Notwithstanding the considerable increase in the number of witnesses examined, their detention has not been greater than in 1884. From enquiries made during my tours of inspection, I have been led to think that some Magistrates (perhaps under a misapprehension of the meaning of the register then in use) did not enter the witnesses as in attendance, if the case was postponed and the witnesses were sent away unexamined. I have been at pains to explain that this is a very serious irregularity, and I have introduced a new register which, I believe, will effectually put a stop to it.

20. The following table shows the average duration of cases brought to trial and disposed of by Magistrates, distinguishing complaint and direct cases from police cases :—

Duration Statement of Cases in Magisterial Courts.

Division.	Name of district.	Police cases.			Complaint and direct cases.			Average duration of all cases.	
		Total cases disposed of.	Total duration.	Average duration.	Total cases disposed of.	Total duration.	Average duration.	1884.	1885.
Arakan.	Akyab	1,135	7,109	6·	554	5,509	10·	6·	7·
	Kyaukpyu	827	4,842	5·	222	1,832	8·	5·	6·
	Sandoway	302	1,580	5·	136	599	4·	7·	5·
	Northern Arakan ...	12	20	2·	8	10	1·	4·	1·
	Total ...	2,276	13,051	6·	920	7,950	9·	6·	7·
Pegu.	Hanthawaddy	1,060	7,646	7·	375	4,806	13·	6·	9·
	Pegu	1,146	9,286	8·	409	5,218	13·	9·	9·
	Tharrawaddy	2,108	18,742	9·	355	5,876	17·	6·	10·
	Prome	2,714	23,081	9·	716	4,483	6·	8·	8·
	Total ...	7,028	58,755	8·	1,855	20,383	11·	7·	9·
Irrawaddy.	Henzada	2,836	18,369	6·	1,877	6,640	4·	6·	5·
	Bassein	2,912	17,693	6·	978	6,801	6·	6·	6·
	Thôngwa	1,976	10,478	5·	712	9,758	14·	6·	8·
	Thayetmyo	735	4,374	6·	449	2,651	6·	5·	6·
	Total ...	8,459	50,914	6·	4,016	25,850	6·	6·	6·
Tenasserim.	Amherst	724	5,059	7·	684	4,081	6·	6·	7·
	Shwegyin	852	9,526	11·	439	4,149	9·	10·	11·
	Toungoo	826	3,366	4·	359	1,064	3·	9·	4·
	Tavoy	173	1,110	6·	206	1,563	8·	7·	7·
	Merghi	287	494	2·	118	2,274	19·	3·	7·
	Salween	33	67	2·	9	68	8·	9·	8·
	Moulmein	1,002	3,700	4·	1,822	19,398	11·	9·	8·
	Total ...	3,897	23,322	6·	3,587	32,597	9·	8·	7·
	Grand Total ...	21,660	146,042	7·	10,378	86,280	8·	7·	7·

Bearing in mind the difficulties which are often experienced here in procuring the attendance of witnesses, and the relatively large areas of districts and subdivisions, as compared with some other parts of India, I think that this statement shows results creditable to the administration.

21. The duration of cases tried by Courts of Session in the past two years, calculated from the day of commitment, is given below.

Duration of Cases in Sessions Courts.

Sessions division.	Number of cases tried.	Total duration.	Average duration. 1884.	Average duration. 1885.	Longest duration.	Remarks.
Arakan	38	2,280	69·	60·	246·	
Pegu	81	2,556	29·	32·	65·	
Irrawaddy	117	5,521	48·	47·	280·	
Tenasserim	40	1,886	84·	47·	110·	
Moulmein	37	752	16·	20·	62·	
Total ...	313	12,995	46·	42·	280·	

The average duration contrasts favourably with the figures for 1884 and is, on the whole, satisfactory. In the long pending case before the Arakan Sessions Judge the accused had been erroneously discharged by the Magistrate and the case was delayed pending his re-arrest.

The averages are highest in the Arakan and the Tenasserim divisions. In the case of Arakan this is due to the difficulty of reaching the small district of Sandoway. It cannot be reached by land, and during the prevalence of the south-west monsoon no steamers visit the mouth of the Sandoway river.

In the Tenasserim division is the small district of Mergui to the extreme south of the province. It is distant two days steam from Moulmein. The mail-steamers call weekly, staying only a few hours. The Sessions Judge is unable to afford the best part of a fortnight over the trial of one commitment, unless he can combine it with some other duty. It sometimes happens that in these two divisions one or two cases, which cannot be promptly dealt with, send up the average. I am satisfied that both these Judges are alive to the necessity of dealing with commitments without avoidable delay.

22. The number of appeals disposed of last year as compared with the previous year is shown below.

Appellate Courts	1884.	1885.
District Magistrates	668	810
Sessions Judges	1,475	1,809
Judicial Commissioner	447	372

The appeals continue to increase.

Although they throw more work upon the superior Courts, they have the merit of keeping Courts of original jurisdiction alive to the necessity of regularity of procedure and the prudent application of the substantive law.

23. The results of appeals disposed of are shown in the next table.

Result of Appeals.

Division.	Class of Appellate Court.	Total cases disposed of.	Total appellants disposed of.	Persons whose: Appeals were rejected.	Appeals were dismissed.	Sentences were reduced.	Sentences were otherwise altered.	Sentences were reversed.	Percentage of appeals rejected and dismissed to total appellants disposed of.
Arakan.	District Magistrate of Akyab ...	33	38	4	23	3	6	2	71·05
	District Magistrate of Kyaukpyu ...	69	77	2	45	17	...	12	61·04
	District Magistrate of Sandoway ...	41	62	...	42	6	1	6	67·74
	District Magistrate of Northern Arakan.	...	...	...	...	...	...	...	...
	Sessions Judge of Arakan ...	267	307	71	167	38	5	25	77·52
	Total ...	410	484	77	277	64	12	45	78·14

Result of Appeals—(concluded).

Division.	Class of Appellate Court.	Total cases disposed of.	Total appellants disposed of.	Persons whose: Appeals where rejected.	Appeals were dismissed.	Sentences were reduced.	Sentences were otherwise altered.	Sentences were reversed.	Percentage of appeals rejected and dismissed to total appellants disposed of.
Pegu.	District Magistrate of Hanthawaddy	21	25	3	12	4	...	6	60·00
	District Magistrate of Pegu ...	29	38	...	17	2	3	9	44·74
	District Magistrate of Tharrawaddy	52	69	32	4	11	8	11	52·17
	District Magistrate of Prome ...	86	94	...	51	19	...	24	54·26
	Sessions Judge of Pegu ...	551	679	475	55	25	...	107	78·06
	Judicial Commissioner, British Burma.	372	416	244	110	26	...	27	85·10
	Total ...	1,111	1,321	754	249	87	11	184	75·98
Irrawaddy.	District Magistrate of Henzada ...	54	64	36	14	4	...	8	78·13
	District Magistrate of Bassein ...	106	141	...	99	13	...	21	70·21
	District Magistrate of Thôngwa ...	148	235	...	131	42	...	58	55·74
	District Magistrate of Thayetmyo...	20	26	4	2	...	10	10	23·08
	Sessions Judge of Irrawaddy ...	575	636	325	127	77	...	80	71·07
	Total ...	903	1,102	365	373	136	10	177	66·97
Tenasserim.	District Magistrate of Amherst ...	18	28	...	17	...	4	7	60·71
	District Magistrate of Shwegyin ...	67	132	...	81	26	...	25	61·36
	District Magistrate af Toungoo ...	22	34	...	18	10	...	6	52·94
	District Magistrate of Tavoy ...	26	47	1	19	11	...	16	42·55
	District Magistrate of Mergui ...	8	9	2	1	6	...	...	33·33
	District Magistrate of Salween ...	...	...	...	...	...	...	...	...
	District Magistrate of Moulmein ...	10	14	...	5	1	...	5	35·71
	Sessions Judge of Moulmein ...	36	39	9	9	8	9	3	46·15
	Sessions Judge of Tenasserim ...	380	432	184	165	37	...	42	80·79
	Total ...	567	735	196	315	99	13	104	69·52
	Grand Total ...	2,991	3,642	1,392	1,214	386	46	510	71·55

The most unsatisfactory results occurred in the districts of Thayetmyo, Mergui, Moulmein, and Pegu.

From the examination of files in the record-rooms of Thayetmyo and Pegu, I am led to think that the Magistrates of those districts showed an undue inclination to disturb the orders of the Lower Courts. This was strikingly the case at Thayetmyo.

24. *References to Sessions Judges under Section 34, Criminal Procedure Code.*

Division.	Reference by whom made.	Sentences. Referred for confirmation.	Confirmed.	Reduced or altered.	Reversed.	Pending.
Arakan ...	District Magistrate of Akyab	10	9	1	...	...
	District Magistrate of Kyaukpyu ...	5	5	...	...	...
	District Magistrate of Sandoway ...	1	...	...	1	...
	District Magistrate of Northern Arakan ...	...	...	...	...	...
	Total ...	16	14	1	1	...
Pegu ...	District Magistrate of Hanthawaddy ...	52	39	6	5	2
	District Magistrate of Pegu	21	18	1	1	1
	District Magistrate of Tharrawaddy ...	77	58	9	14	1
	District Magistrate of Prome	39	35	3	1	...
	Total ...	189	145	19	21	4
Irrawaddy...	District Magistrate of Henzada ...	16	9	5	2	...
	District Magistrate of Bassein ...	21*	10	2	...	...
	District Magistrate of Thôngwa ...	23	21	1	1	...
	District Magistrate of Thayetmyo ...	17	13	3	1	...
	Total ...	77	53	11	4	...
Tenasserim	District Magistrate of Amherst ...	15	15	...	...	...
	District Magistrate of Shwegyin ...	16	11	2	3	...
	District Magistrate of Toungoo ...	15	10	2	3	...
	District Magistrate of Tavoy	5	1	3	1	...
	District Magistrate of Mergui... ...	2	1	1	...	...
	District Magistrate of Salween ...	...	...	...	...	...
	District Magistrate of Moulmein ...	...	...	...	...	...
	Total ...	53	38	8	7	...
	Grand Total ...	335	250	39	33	4

* Three referred and six committals ordered.

25. *A.—References to Judicial Commissioner under Section 374, Criminal Procedure Code.*

Reference by whom made.	Sentences. Referred for confirmation.	Confirmed.	Reduced or altered.	Reversed.	Pending.
Sessions Judge of Arakan	12*	7	2	1	1
Sessions Judge of Pegu	3	2	1	...	...
Sessions Judge of Irrawaddy	14	9	4	...	1
Sessions Judge of Tenasserim	11	6	5	...	...
Sessions Judge of Moulmein	1	1	...	...	...
Total ...	41	25	12	1	2

* One new trial ordered.

B.—References to Judicial Commissioner under Section 438, Criminal Procedure Code.

Division.	Reference by whom made.	Number of cases referred.	Number of persons concerned.	Number of persons whose sentences were				Pending.		Remarks.
				Confirmed.	Enhanced.	Reduced.	Reversed.	Cases.	Persons.	
Arakan.	District Magistrate of Akyab...	1	3	3	...	...	...	...	...	
	District Magistrate of Kyauk-pyu.	7	8	4	...	3	1	...	...	
	District Magistrate of Sandoway.	...	...	...	...	...	...	...	...	
	District Magistrate of Northern Arakan.	...	...	...	...	...	...	...	...	
	Sessions Judge of Arakan ...	2	2	1	...	...	...	1	1	
	Total ...	10	13	8	...	3	1	1	1	
Pegu.	District Magistrate of Hanthawaddy.	3	6	6	...	...	...	...	...	
	District Magistrate of Pegu ...	7	14	4	1	1	8	...	...	
	District Magistrate of Tharrawaddy.	15	60	34	...	4	22	...	...	
	District Magistrate of Prome...	8	10	4	1	...	3	1	2	
	Sessions Judge of Pegu ...	26	55	7	1	5	39	1	1	Two new trials ordered.
	Total ...	59	145	55	3	10	72	2	3	Two new trials ordered.
Irrawaddy.	District Magistrate of Henzada	14	19	5	...	2	6	6	6	
	District Magistrate of Bassein	5	14	13	...	1	...	...	...	
	District Magistrate of Thôngwa	5	10	5	...	1	1	...	...	Three new trials ordered.
	District Magistrate of Thayetmyo.	2	2	1	...	...	1	...	...	
	Sessions Judge of Irrawaddy...	50	142	49	...	16	34	11	42	One new trial ordered.
	Total ...	76	187	73	...	20	42	17	48	Four new trials ordered.
Tenasserim.	District Magistrate of Amherst	...	...	...	...	...	...	...	...	
	District Magistrate of Shwegyin.	7	10	...	...	1	7	1	2	
	District Magistrate of Toungoo	6	11	2	...	2	...	1	3	Four new trials ordered.
	District Magistrate of Tavoy...	3	3	3	...	...	...	...	...	
	District Magistrate of Mergui	...	...	...	...	...	...	...	...	
	District Magistrate of Salween	...	...	...	...	...	...	...	...	
	District Magistrate of Moulmein.	...	...	...	...	...	...	...	...	
	Sessions Judge of Moulmein ...	5	10	2	...	1	6	1	1	
	Sessions Judge of Tenasserim	21	68	17	...	...	50	...	...	One new trial ordered.
	Total ...	42	102	24	...	4	63	3	6	Five new trials ordered.
	Grand Total ...	187	447	160	3	37	178	23	58	Eleven new trials ordered.

C.—Cases called for by the Judicial Commissioner on his own motion under section 435, Criminal Procedure Code.

Division.	Name of district.	Number of cases called for.	Number of persons concerned.	Number of persons whose sentences were: Confirmed.	Enhanced.	Reduced.	Reversed.	Pending: Cases.	Persons.	Remarks.
Arakan.	Akyab...	93	111	47	...	2	1	51	61	
	Kyaukpyu	68	91	58	...	5	10	11	18	
	Sandoway	38	42	25	...	...	1	13	16	
	Northern Arakan	1	1	...	...	...	...	1	1	
	Sessions Judge of Arakan ...	8	6	...	5	...	...	1	1	
	Total ...	198	251	130	5	7	12	77	97	
Pegu.	Hanthawaddy	107	185	119	2	15	12	23	37	
	Pegu	108	155	89	1	10	5	40	49	One new trial ordered.
	Tharrawaddy	166	237	105	...	30	7	61	92	Three new trials ordered.
	Prome...	170	250	151	1	3	5	73	89	One new trial ordered.
	Sessions Judge of Pegu ...	38	76	76	...	...	...	...	...	
	Total ...	579	903	540	4	58	29	197	267	Five new trials ordered.
Irrawaddy.	Henzada	92	128	94	1	8	4	14	20	One new trial ordered.
	Bassein	114	170	90	1	16	7	34	56	
	Thôngwa	81	135	107	1	6	4	8	16	One new trial ordered.
	Thayetmyo	47	113	95	...	13	4	1	1	
	Sessions Judge of Irrawaddy...	...	...	...	...	...	...	...	...	
	Total ...	334	546	386	3	43	19	57	93	Two new trials ordered.
Tenasserim.	Amherst	48	60	35	1	5	4	11	14	One new trial ordered.
	Shwegyin	48	56	34	...	1	1	14	20	
	Toungoo	56	85	43	...	6	1	22	35	
	Tavoy	28	91	45	...	1	15	9	30	
	Mergui	13	25	17	...	1	...	6	7	
	Salween	2	2	2	...	...	...	...	...	
	Moulmein	32	46	19	...	5	4	9	18	
	Sessions Judge of Moulmein ...	1	1	...	...	...	...	1	1	
	Sessions Judge of Tenasserim	1	1	1	...	...	...	...	...	
	Total ...	229	367	196	1	19	25	72	125	One new trial ordered.
	Grand Total ...	1,335	2,067	1,252	13	127	85	408	582	Eight new trials ordered.
	In 1884 ...	328	505	325	16	47	37	59	75	Five new trials ordered.

D.—Cases called for by the Judicial Commissioner at the instance of parties or their friends under section 435, Criminal Procedure Code.

Division.	Name of district.	Number of cases called for.	Number of persons concerned.	Number of persons whose sentences were: Confirmed.	Enhanced.	Reduced.	Reversed.	Pending: Cases.	Persons.	Remarks.
Arakan.	Akyab	6	6	4	...	...	2	...	...	
	Kyaukpyu	2	3	1	...	...	2	...	...	
	Sandoway	2	2	2	...	...	...	...	...	
	Northern Arakan	...	...	...	...	...	...	...	...	
	Sessions Judge of Arakan	...	...	...	...	...	...	...	...	
	Total ..	10	11	7	...	...	4	...	...	
Pegu.	Hanthawaddy...	6	6	1	1	...	3	1	1	
	Pegu	3	3	2	...	1	...	...	...	
	Tharrawaddy	4	6	6	...	...	...	...	...	
	Prome	5	16	16	...	...	...	...	...	
	Sessions Judge of Pegu	...	...	...	...	...	...	...	...	
	Total ...	18	31	25	1	1	3	1	1	
Irrawaddy.	Henzada	4	5	5	...	...	...	...	...	
	Bassein	...	...	...	...	...	...	...	...	
	Thôngwa	3	3	2	...	...	...	1	1	
	Thayetmyo	7	10	9	...	1	...	...	...	
	Sessions Judge of Irrawaddy ...	...	...	...	...	...	..	...	...	
	Total ...	14	18	16	...	1	...	1	1	
Tenasserim.	Amherst	...	...	...	...	...	...	...	...	
	Shwegyin	7	13	12	...	...	...	1	1	
	Toungoo	...	...	...	...	...	...	...	...	
	Tavoy	...	...	...	...	...	...	...	...	
	Mergui	1	2	2	...	...	...	...	...	
	Salween	1	1	...	...	...	...	1	1	
	Moulmein	1	2	2	...	...	...	...	...	
	Sessions Judge of Moulmein ...	...	...	...	...	...	...	...	...	
	Sessions Judge of Tenasserim ...	...	...	...	...	...	...	...	...	
	Total ...	10	18	16	...	...	...	2	2	
	Grand Total ...	52	78	64	1	2	7	4	4	

Of the 403 cases shown pending in Table C, 234 were called for in the month of December. All have since been disposed of. I regard the work of revision as one of the most important of my duties. In my opinion the Judicial Commissioner is not merely an Appellate Judge. He more nearly corresponds to a Minister of Justice. In attempting to discharge these duties, I have called for and have examined a very large number of cases, and I have pointed out all the errors of law or procedure which came to my notice. The greater part of the cases examined were from the Courts of Junior Magistrates, with whom it seemed most desirable to establish direct relations, and who stand most in need of guidance. In the majority of their cases the short sentences passed had expired when the files reached me, but as the weight of evidence is not a matter on which a Court of Revision should as a rule amend a final order, this was of less importance. I was enabled to correct errors and to explain difficulties.

These figures do not represent my whole work of revision during the year. While on tour I have examined large numbers of cases in the headquarters record-rooms, and every error which I observed was fully noted for the guidance of the officers concerned. The commonest mistakes I have printed and circulated, suppressing the names of officers and districts. This course, although useful, has not met with as much success as I had hoped, for I have found my notes uncut in more than one office. The more laborious, but the more effective method is to bring home to each officer his own shortcomings.

26. The next two tables show the revision work done by Sessions Judges and District Magistrates (1) on the application of parties or Government and (2) on their own motion :—

Result of Applications for Revision made to Sessions Judges and District Magistrates.

Class of Courts whose orders were the subject of revision.	Number of persons who applied for revision, including pending from previous year.	Number of persons with respect to whom: Applications were rejected or order confirmed.	Committal was ordered under section 436, Criminal Procedure Code.	Further enquiry was ordered under section 437, Criminal Procedure Code.	Reference was made to High Court under section 438 or to District Magistrate under section 435, Criminal Procedure Code.	Applications were pending.	Total.	Remarks.
I.—Subordinate Magistrates—								
(a) Special Magistrates, section 14, Criminal Procedure Code.	...	...	...	...	...	...	...	
(b) Stipendiary Magistrates	216	135	2	18	48	12	216*	
(c) Honorary Magistrates including Benches.	4	3	...	1	...	...	4	
II.—District Magistrates ...	33	22	...	3	8	...	33	
Total ...	253	160	2	22	56	12	253	

* Includes one application in which the sentence was reversed.

Revision Work done by Sessions Judges and Magistrates otherwise than on Application for Revision.

Revising Courts.	Number of cases called for and examined under section 435, Criminal Procedure Code.	Number of cases in which committal was ordered under section 436, Criminal Procedure Code.	Number of cases in which further enquiry was ordered under section 437, Criminal Procedure Code.	Number of cases referred to the High Court under section 438, or to the District Magistrate under section 435, Criminal Procedure Code.	Pending cases.	Remarks.
Sessions Courts	680	...	11	52	76	
District Magistrates	872	...	9	75	25	
Subdivisional Magistrates specially empowered under section 435, Criminal Procedure Code.	...	...	...	...	...	
Total ...	1,552	...	20	127	101	

I am not satisfied with the work which this represents. Judges and Magistrates are personally known to all their subordinates and it is very desirable that a due share of the work of revision should be undertaken by them. It was at one time supposed, on the authority of the case at I. L. R. 10, Cal., 268, that the District Magistrate could not call for the proceedings of a 1st class powered Magistrate. This view has now been corrected by the Calcutta Full Bench in the case at I. L. R. 12, Cal., 473.

But this does not completely account for the inaction of some of the District Magistrates, as it was open to them to call for the cases of Magistrates other than those of the 1st class.

27. The financial result of the rules regulating the fees chargeable for the service of processes and the remuneration of peons is shown in the following table:—

Receipts and Charges of Criminal Process Establishment.

Division.	Name of district.	Number of processes issued.	Receipts from process fees.	Charges. Salaries of process-serving establishment.	Charges. Contingencies, &c.	Remarks.
			Rs. A. P.	Rs. A. P.	Rs. A. P.	
Arakan.	Akyab	1,618	1,694 8 0	2,133 13 0	191 6 0	
	Kyaukpyu	999	650 0 0	441 0 0	19 0 0	
	Sandoway	432	277 0 0	293 14 6	43 6 0	
	Northern Arakan	...	...	...	...	
	Total ...	3,049	2,621 8 0	2,871 11 6	253 12 0	
Pegu.	Hanthawaddy	1,186	841 8 0	492 0 0	24 13 8	
	Pegu	1,319	1,059 8 0	567 0 0	14 6 0	
	Tharrawaddy	1.529	1,209 13 0	702 3 4	42 2 0	
	Prome	2,606	1,854 8 0	1,884 0 0	...	
	Total ...	6,640	4,965 5 0	3,645 3 4	81 5 8	
Irrawaddy.	Henzada	5,848	2,862 8 0	1,445 5 0	...	
	Bassein	4,055	2,733 0 0	1,716 0 0	306 8 0	
	Thôngwa	2,619	1,982 8 0	852 0 0	28 10 0	
	Thayetmyo	989	683 14 0	528 0 0	293 0 0	
	Total ...	13,506	8,261 14 0	4,541 5 0	628 2 0	
Tenasserim.	Amherst	2,158	1,670 8 0	511 8 0	34 4 0	
	Shwegyin	983	1,092 8 0	1,424 11 6	15 0 0	
	Toungoo	1,827	864 8 0	720 0 0	1 0 0	
	Tavoy	715	571 0 0	312 0 0	25 4 0	
	Mergui	531	460 4 0	168 0 0	...	
	Salween	51	32 8 0	...	35 0 0	
	Moulmein	4,161	3,365 8 0	1,159 11 6	74 0 0	
	Total ...	10,426	8,056 12 0	4,295 15 0	184 8 0	
	Grand Total ...	33,621	23,905 7 0	15,354 2 10	1,147 11 8	

28. Mr. W. E. Ward was in charge of this Office from January to 16th February. I have been in charge from 16th February to the end of the year.

29. During the year I visited the districts of Moulmein, Amherst, Thôngwa, Prome, Thayetmyo, Tharrawaddy, and Pegu.

It was not the practice of District Officers to leave any notes of their inspections for the guidance of the officer inspected and for the information of succeeding inspecting officers.

In April 1885 I asked Judges and District Magistrates to prepare brief notes of inspection, and I suggested a series of topics which should not be overlooked. Copies of these notes are sent to me, and I am satisfied that excellent work in inspection has been done by some officers.

W. F. MERES,

Officiating Judicial Commissioner, Lower Burma.

APPENDICES.

JUDICIAL STATEMENT No. 1 (CRIMINAL).

Statement showing the Number of Judicial Divisions and the Number of Officers exercising Appellate or Original Jurisdiction in Lower Burma on the last day of the year 1885, with the Cost of Tribunals.

Name of province.			Area.	Population.	Number of divisions for Courts under Chief Court, but superior to Chief Courts of districts.	Number of districts	Number of sub-districts.	Total number of officers exercising original or appellate jurisdiction.					Total number of cases decided.				Total receipts of the Courts.	Total charges of the Courts.	Remarks.		
								Judges of Chief Court of province.	Judges of other Courts superior to Chief District Courts.	Judges of Chief Courts of districts.	Judges of districts other than Chief Courts.	Judges of other Subordinate Courts.	Original.		Appeals.						
													Regular.	Miscellaneous.	Regular.	Miscellaneous.					
1			2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18		
																	Rs. A. P.	Rs. A. P.	*Grades of Judicial Officers.*	European.	Native.
Lower Burma.	Territory subject to the High Court.	Civil ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	.....	.....			
		Criminal ..	87,220 sq. miles.	3,736,771	4	20	36	3	5	20	24	163	40,107	423	3,131	2,850	2,96,250 2 4	5,89,653 4 5	Officers exercising both original and appellate jurisdiction. — Judicial Commissioner ...	1	...
																			Recorder of Rangoon ...	1	...
																			Additional Recorder ...	1	...
		Revenue...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	.....	.....	Sessions Judges ...	4	...
																			Judge of Moulmein ...	1	...
	Territory not subject to the High Court.	Civil ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	.....	.....	District Magistrates ..	20	...
		Criminal...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	.....	.....	Officers exercising original jurisdiction only — Assistant Commissioners	17	1
																			Extra Assistant Commissioners.	5	17
																			Myoôks	3	84
		Revenue...	...	...	...	...	...	...	...	..	..	...	...	...	...	...	.. ...	.....	Cantonment Magistrates...	3	..
																			Special Magistrates ...	1	1
	Total ...		87,220 sq. miles.	3,736,771	4	20	36	3	5	20	24	163	40,107	423	3,131	2,850*	2,96,250 2 4	5,89,653 4 5	Honorary Magistrates ...	2	53

* Revisions.

JUDICIAL STATEMENT No. 2 (CRIMINAL).

Statement of Offences Reported and of Persons Tried, Convicted, and Acquitted of each Class of Offence in Lower Burma in the year 1885.

Description of offence	Number of offences reported	Number of cases returned as true	Number of cases brought to trial during the year	Number of persons: Under trial during the year, including pending from previous year	Number of persons: Acquitted or discharged	Number of persons: Convicted	Number of persons: Died, escaped, or transferred to another province	Number of persons: Remaining under trial	Remarks
1	2	3	4	5	6	7	8	9	10
Offences against the State, Chapter VI of the Indian Penal Code	6	6	6	67	20	46	1	...	
Offences relating to the Army and Navy, Chapter VII	1	1	..	..	..	..	...	...	
Offences against the public tranquillity, Chapter VIII	471	449	436	2,400	867	1,505	28	..	
Offences by, or relating to, public servants, Chapter IX	169	149	147	216	107	90	4	13	2 committed or referred.
Contempts of the lawful authority of public servants, Chapter X	250	231	220	437	199	225	2	5	6 ditto.
False evidence and offences against public justice, Chapter XI	650	604	583	783	324	415	11	13	20 ditto.
Offences relating to coin and Government stamps, Chapter XII	39	36	31	49	17	19	...	1	12 ditto.
Offences relating to weights and measures, Chapter XIII	16	16	14	21	9	12	...		
Offences affecting the public health, safety, convenience, decency, and morals, Chapter XIV	1,652	1,569	1,440	2,619	816	1,773	10	20	
Offences relating to religion, Chapter XV	29	28	23	40	22	15	...	1	2 committed or referred.
Offences affecting the human body, Chapter XVI. — Offences affecting life	276	252	230	315	91	27	2	17	178 ditto.
Offences affecting the human body, Chapter XVI. — Cause of miscarriage, injuries to unborn children, exposure of infants, and the concealment of births.	15	12	9	21	15	5	...	...	1 ditto.
Offences affecting the human body, Chapter XVI. — Hurt	2,274	2,136	1,993	3,313	1,807	1,260	47	119	74 ditto. 6 compounded.
Offences affecting the human body, Chapter XVI. — Wrongful restraint and wrongful confinement	99	91	88	163	99	56	2	3	3 committed or referred.
Offences affecting the human body, Chapter XVI. — Criminal force and assault	4,142	3 908	3,879	7,517	4,671	2,716	19	102	9 ditto.
Offences affecting the human body, Chapter XVI. — Kidnapping, forcible abduction, slavery, and forced labour	204	170	150	187	85	81	1	7	13 ditto.
Offences affecting the human body, Chapter XVI. — Rape	151	90	75	80	50	10		3	17 ditto
Offences affecting the human body, Chapter XVI. — Unnatural offence	10	6	6	7	4	.	1	..	2 ditto.
Offences against property, Chapter XVII. — Theft	12,629	10,997	7,153	9,675	3,583	5,357	50	121	564 ditto.
Offences against property, Chapter XVII. — Extortion	67	63	60	120	68	40	2	6	4 ditto.
Offences against property, Chapter XVII. — Robbery and dacoity	596	341	250	628	199	122	9	46	252 ditto.
Offences against property, Chapter XVII. — Criminal misappropriation of property	280	249	229	357	158	173	10	11	6 ditto.
Offences against property, Chapter XVII. — Criminal breach of trust	301	336	302	341	161	154	3	12	11 ditto.
Offences against property, Chapter XVII. — Receiving of stolen property	601	564	504	895	324	474	1	35	60 ditto. 1 not found.
Offences against property, Chapter XVII. — Cheating	248	218	208	292	173	94	8	16	1 committed or referred. 1 not found.
Offences against property, Chapter XVII. — Fraudulent deeds and disposition of property	10	10	9	16	8	3	...	5	
Offences against property, Chapter XVII. — Mischief	732	653	513	841	562	237	3	20	19 committed or referred.
Offences against property, Chapter XVII. — Criminal trespass	2,085	1,834	1,437	2,268	1,285	866	10	41	62 ditto. 4 compounded.
Offences relating to documents and to trade or property marks, Chapter XVIII	34	28	26	37	27	3	1	2	4 committed or referred.
Criminal breach of contracts of service, Chapter XIX	12	10	10	15	12	3	...	..	
Offences relating to marriage, Chapter XX	198	184	183	224	178	32	1	7	6 ditto.
Defamation, Chapter XXI	124	104	100	141	102	34	...	5	
Criminal intimidation, insult, and annoyance, Chapter XXII	2,699	2,474	2,537	3,700	2,452	1,166	14	64	4 ditto.
Offences under special and local laws	17,703	17,134	17,244	29,360	7,664	21,252	94	334	13 ditto. 1 compounded. 2 not found.
Total	48,663	44,953	40,095	67,145	26,158	38,264	334	1,029	1,345 committed or referred. 11 compounded 4 not found

JUDICIAL STATEMENT No. 2A (CRIMINAL).

Statement showing the General Result of the Trial of European British Subjects in Lower Burma in the year 1885.

Description of offence.	Number of persons accused and brought before a Magistrate. Within the year. Remaining at the close of the previous year.	On complaint, section 191(a), Criminal Procedure Code.	On police report, section 191(b) of the Code.	By Magistrate *suo motu*, section 191(c) of the Code.	On transfer from another province.	Total.	Died, escaped, or transferred to other provinces.	Number actually brought to trial.	Persons whose cases were disposed of. By District Magistrates and other 1st class Magistrates. Received by transfer under section 451B of the Code.	Convicted.	Acquitted or discharged.	Committed. To Court of Sessions.	Committed. To High Court.	Transferred by order under section 451B of the Code.	Total, omitting entries in columns 10 and 15.	By Courts of Session. Received by transfer under section 451B of the Code.	Convicted.	Acquitted or discharged.	Transferred to High Court under section 449 of the Code.	Total, exclusive of column 17.	By High Court. Convicted.	Acquitted.	Total.	Total for all Courts. Convicted.	Acquitted or discharged.	Total.	Number of persons under trial at the close of the year.	Number of cases. Brought to trial.	Disposed of.	Pending.	Number of persons who applied to the High Court for an order under section 456 of the Code.	Of those entered in column 5, number who applied under section 2, Act III of 1884, for transfer or committal of their cases.	Number of persons who applied to the High Court under section 526 of the Code for the transfer of their cases.
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34
Offences against the State, Chapter VI of the Indian Penal Code.	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Offences relating to the Army and Navy, Chapter VII...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Offences against the public tranquillity, Chapter VIII...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Offences by or relating to public servants, Chapter IX...	...	3	—	...	...	3	...	3	...	3	...	...	...	...	3	...	...	...	...	...	...	...	...	3	...	3	...	1	1	...	...	...	...
Contempts of the lawful authority of public servants, Chapter X.	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
False evidence and offences against public justice, Chapter XI.	...	4	1	...	...	5	...	5	...	3	2	...	...	...	5	...	...	...	...	...	...	...	...	3	2	5	...	4	4	...	...	...	...
Offences relating to coin and Government stamps, Chapter XII.	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Offences relating to weights and measures, Chapter XIII.	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Offences affecting the public health, safety, convenience, decency, and morals, Chapter XIV.	...	...	...	1	...	1	...	1	...	...	1	...	...	...	1	...	...	...	...	...	...	...	...	...	1	1	...	1	1	...	...	...	...
Offences relating to religion, Chapter XV	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Offences affecting the human body, Chapter XVI. — Offences affecting life	...	...	1	...	...	1	...	1	...	...	...	...	1	...	1	...	...	...	...	...	1	...	1	1	..	1	...	1	1	...	...	...	...
Causing of miscarriage, injuries to unborn children, exposure of infants, and the concealment of births	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Hurt	...	32	4	...	...	36*	...	34	...	19	15	...	...	...	34	...	...	...	...	...	...	...	...	19	15	34	...	30	30	...	...	...	...
Wrongful restraint and wrongful confinement...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Criminal force and assault	...	9	1	...	...	10	...	10	...	7	3	...	...	...	10	...	...	...	...	...	...	...	...	7	3	10	...	10	10	...	...	...	...
Kidnapping, forcible abduction, slavery, and forced labour.	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Rape	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Unnatural offence	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Offences against property, Chapter XVII. — Theft	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Extortion	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Robbery and dacoity	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Criminal misappropriation of property	...	1	...	...	...	1	...	1	...	...	1	...	...	...	1	...	...	...	...	...	...	...	...	..	1	1	...	1	1	...	...	...	...
Criminal breach of trust	...	5	...	...	...	5	...	5	...	1	...	...	4	...	5	...	...	..	..	...	3	1	4	4	1	5	...	5	5	...	...	...	2
Receiving stolen property	...	...	...	...	...	...	...	...	...	...	...	...	...	...	..	...	...	...	...	...	...	...	...	...	..	...	...	..	...	...	...	...	...
Cheating	...	2	...	...	...	2	...	2	...	...	2	...	...	...	2	...	...	.	...	...	..	...	...	..	2	2	...	2	2	..	...	...	...
Fraudulent deeds and disposition of property...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	..	...	...	...	...	...	...	...	...	...
Mischief	...	14	...	...	...	14	...	14	...	4	10	...	...	...	14	...	...	...	...	...	...	...	...	4	10	14	...	3	3	...	...	...	...
Criminal trespass	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	..	...	...	...	...	...	...	...	...
Offences relating to documents and to trade or property marks, Chapter XVIII.	...	1	...	...	...	1	...	1	...	...	1	...	...	...	1	...	...	...	...	...	...	...	...	...	1	1	...	1	1	...	...	...	...
Criminal breach of contracts of service, Chapter XIX ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Offences relating to marriage, Chapter XX	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Defamation, Chapter XXI	...	2	...	...	...	2	...	2	...	...	2	...	...	...	2	...	...	...	...	...	...	...	...	...	2	2	...	2	2	...	...	...	...
Criminal intimidation, insult, and annoyance, Chapter XXII.	...	5	...	...	...	5	...	5	...	...	5	...	...	...	5	...	...	...	...	...	...	...	...	...	5	5	...	4	4	...	...	...	...
Offences under special and local laws	...	134	123	...	...	257	...	257	...	169	88	...	...	...	257	...	...	...	...	...	...	...	...	169	88	257	...	124	124	...	...	...	...
Total ...	...	212	130	1	...	343*	...	341	...	206	130	...	5	...	341	...	...	...	...	...	4	1	5	210	131	341	...	189	189	...	...	...	2

* 2 compounded.

Subsidiary Table.

Of the total number of persons shown in Column 16. Number who claimed to be tried by a mixed jury, section 451A(1) of the Code.	Number who did not so claim.	Number of those in column 35(1) whose cases were transferred under section 451B of the Code.	Column 21. Number who claimed a mixed number of assessors, section 451(3) of the Code.	Number who did not so claim.	Columns 21 and 24. Number who claimed to be tried by mixed jury, section 451(1) of the Code.	Number who did not so claim.	Of cases shown in column 30. Disposed of by Magistrates. Being European British subjects.	Other than European British subjects.	Disposed of by Sessions Judge. Being European British subjects.	Other than European British subjects.
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)
5	336	...	...	...	5	...	184	...	5	...

JUDICIAL STATEMENT No. 3 (CRIMINAL).

Statement of Miscellaneous Proceedings under the Criminal Procedure Code in Lower Burma for the year 1885.

Nature of Proceedings.	Total number of cases before the Courts during the year.	Number of persons concerned.	Number of persons discharged.	Number of persons convicted.	Remarks.
1	2	3	4	5	6
1.—Proceedings against witnesses under Chapter VI C and section 485	14	24	13	11	
2.—Proceedings under Chapter VIII to prevent breach of the peace	49	121	13	106	2 cases and 2 persons not found.
3.—Proceedings under Chapter VIII. Security for good behaviour	3,957	4,194	1,123	3,045	19 cases and 25 persons pending. 1 case and 1 person transferred.
4.—Proceedings against local nuisances, Chapter X	47	57	24	32	1 case and 1 person pending.
5.—Possession, Chapter XII	3	5	2	3	
6.—Frivolous or vexatious complaints summarily dealt with under Chapter XX, section 250.	42	52	31	21	
7.—Non-attendance of Jurors or Assessors, Chapter XXIII	7	11	3	8	
8.—Maintenance, Chapter XXXVI	173	166	99	66	1 case and 1 person struck off.
9.—Forfeiture of bail or recognizance under Chapter XLII	141	253	77	172	3 cases and 4 persons pending.
Total ...	4,433	4,883	1,365	3,464	23 cases and 30 persons pending. 2 cases and 2 persons not found. 1 case and 1 person transferred. 1 case and 1 person struck off.

JUDICIAL STATEMENT No. 4 (CRIMINAL).

Statement showing the General Result of Criminal Trials in the Tribunals of various Classes in Lower Burma in the year 1885.

Class of Tribunal.	Total number of persons under trial.	Persons whose cases were disposed of.					Persons remaining under trial at the end of the year.	Number of cases disposed of during the year.	Average number of days during which each case lasted.	Number of witnesses examined.	Remarks.
		Died, escaped, or transferred to another province.	Discharged or acquitted.	Convicted. On regular trial.	Convicted. On summary trial.	Committed or referred.					
1	2	3	4	5	6	7	8	9	10	11	12
Village Officers	...	...	...	...	...	...	...	...	...	...	
Subordinate Magistrates ... Special Magistrates under section 14 ...	266*	1	58	160	...	4	14	116	7·	351	
Subordinate Magistrates ... Honorary Magistrates sitting singly ...	...	...	...	...	...	...	...	...	...	...	
Subordinate Magistrates ... Stipendiary Magistrates sitting singly ...	45,563	297	18,325	21,308	3,806	1,036	791	28,364	7·	101,606	
Subordinate Magistrates ... Benches of Magistrates	15,842	11	5,987	2,881	6,848	6	109	7,513	3·	7,436	
District and Divisional Magistrates' cases referred under sections 347 and 349, Criminal Procedure Code.	1,461	7	399	943	68	24	20	1,044	7·	...	
Chief Magistrates of Districts	4,013*	18	1,389	1,622	599	275	95	2,433	8·	12,170	* Includes 11 persons whose cases were compounded and four not found.
Courts of Sessions	991	2	269	642	...	9	69	596	27·	3,052	
Superior Courts	47	...	4	41	...	...	2	41	29·	53	
Total ..	68,183†	336	26,431	27,626	11,321	1,354	1,100	40,107	7·	124,668	† Includes 11 persons whose cases were compounded and four not found.

JUDICIAL STATEMENT No. 5 (CRIMINAL)

Statement showing the punishments inflicted by the various Criminal Tribunals in Lower Burma in the year 1885.

Class of Tribunals.	PERSONS SENTENCED TO										DETAIL OF PUNISHMENTS.																	
				IMPRISONMENT.							FINE.									IMPRISONMENT.					WHIPPED.			
	Death	Transportation.	Penal servitude.	Rigorous.	Simple.	Forfeiture of property.	Fine.	Whipping.	Persons ordered to find or give security or recognizance to keep the peace or sureties for good behaviour.	Persons imprisoned in default of security for good behaviour.	Rs. 10 and under.	Rs. 50 and under.	Rs. 100 and under.	Rs. 500 and under.	Rs. 1,000 and under.	Above Rs. 1,000.	Total amount of fines imposed during the year.	Total amount of fines realised during the year.	Amount paid by way of compensation.	Fifteen days and under.	Six months and under.	Two years and under.	Seven years and under	Above 7 years.	Ten stripes and under.	Twenty stripes and under.	Thirty stripes and under.	Number of boys whose sentences were commuted to detention in a reformatory school
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29
																	Rs. A. P.	Rs. A. P.	Rs. A. P.									
Village Officers		...	...	...	..	..	...	...	...	...	...	...	..	...	...	...	.....	.....	.....	...	...	...	...	...	...	...	...	...
Subordinate Magistrates. Special Magistrates under section 14 ...	...	...	...	31	14	5	135	5	...		71	62	2	...	...	...	2,235 0 0	1,925 0 0	50 0 0	13	32	...	...	...	2	2	1	...
Subordinate Magistrates. Honorary Magistrates sitting singly ...	...	...	...	...	...	...	...	...	...	.	...	...	...	...	...	...	....	.....	.....	...	...	...	...	...	...	...	...	..
Subordinate Magistrates. Stipendiary Magistrates sitting singly ..	...	...	...	6,995	245	1	15,421	1,473	2,785	1,609	9,906	4,479	763	263	10	...	2,92,220 0 7	2,01,142 8 3	34,481 12 3	861	6,121	1,856	11	...	249	749	475	1
Subordinate Magistrates. Benches of Magistrates	...	...	..	99	6	..	9,658	10	...	..	9,472	.154	2	...	...	...	23,321 5 0	21,430 1 0	1,154 4 8	49	56	...	...	...	5	5	.	...
District and Divisional Magistrates' cases referred under Sections 347 and 349, Criminal Procedure Code ...	...	...	...	690	13	...	275	171	54	32	58	127	73	16	1	...	14,076 9 0	5,562 1 9	691 5 10	22	228	455	30	...	28	86	57	1
Chief Magistrates of Districts	...	9	...	1,090	25	...	876	87	361	205	427	299	110	37	3	...	36,964 5 9	21,667 8 5	1,535 14 2	107	448	434	330	1	27	33	27	2
Courts of Sessions ..	36	133	.	458	4	...	24	18	6	...	1	12	5	6	...	...	2,021 0 0	281 0 0	.....	5	23	24	379	31	...	2	16	..
Superior Courts	26	11	.	3	1	...	..	.	.	..	.	...	..	..	...	...	.....	.	.....	...	1	1	2		..	...	...	...
Total ...	62	153	..	9,366	308	6	26,369	1,764	3,226	1,846	19,935	5,163	955	322	14	...	3,70,638 4 4	2,53,008 3 5	37,913 4 11	1,057	6,909	2,770	752	32	311	877	576	4

JUDICIAL STATEMENT No. 5A (CRIMINAL).

PART I.

Statement showing the particulars of Whippings inflicted under sections 2 and 3, Act VI of 1864, in lieu of other Punishments by the Criminal Tribunals in Lower Burma during the year 1885.

Offences for which awarded.	Number of stripes awarded.												Total.	Remarks.
	5 and under.		6 to 10.		11 to 15.		16 to 20.		21 to 25.		26 to 30.			
	First conviction.	Second or subsequent conviction.	First conviction.	Second or subsequent conviction.	First conviction.	Second or subsequent conviction.	First conviction.	Second or subsequent conviction.	First conviction.	Second or subsequent conviction.	First conviction.	Second or subsequent conviction.		
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
In lieu of other punishments (sections 2 and 3, Act VI, 1864)—														
1—Theft as defined in — section 378, I. P. C.	21	...	94	2	89	11	107	17	33	4	40	1	419	
1—Theft as defined in — section 380, do. ..	16	...	108	4	177	6	210	8	94	8	141	16	788	
1—Theft as defined in — section 381, do. ..	1	...	6	2	1	2	12	6	2	...	11	1	44	
1—Theft as defined in — section 382, do....	...	...	..	...	...	...	1	...	...	...	2	...	3	
2—Extortion as defined in — section 388, do....	...	...	...	...	...	...	...	.	...	...	1	...	1	
2—Extortion as defined in — section 389, do....	...	...	...	...	...	...	...	...	..	...	...	...	...	
3—Dishonestly receiving stolen property, as defined in — section 411, do. ..	...	...	5	...	4	2	7	...	3	...	10	4	35	
3—Dishonestly receiving stolen property, as defined in — section 412, do. ..	...	...	...	...	...	...	...	...	...	...	...	...	...	
4—Lurking house-trespass as defined in section 443 I. P. C.	...	...	...	...	...	1	...	...	...	...	1	...	2	
5—Lurking house-trespass by night as defined in section 444 I P. C.	...	...	...	...	...	...	2	...	2	...	...	...	4	
6—House-breaking as defined in section 445 I. P. C.	...	...	...	...	...	...	...	...	..	...	1	...	1	
7—House-breaking by night as defined in section 446 I. P. C.	...	...	1	...	...	...	1	.	1	.	...	1	4	
8—Offence under section 14, Act III, 1880.	...	...	...	...	...	...	...	...	...	...	...	...	...	
Total ..	38	...	214	8	271	22	340	31	135	12	207	23	1,301	

PART II.

Statement showing Whippings inflicted, in addition to other Punishments, under sections 3 and 4, Act VI of 1864, in Lower Burma for the year 1885.

Offences for which awarded.	Number of stripes.						Total.	Remarks
	5 and under.	6 to 10.	11 to 15.	16 to 20.	21 to 25.	26 to 30.		
1	2	3	4	5	6	7	8	9
In addition to other punishments, sections 3 and 4.								
A—Section 3.								
1—Theft, as defined in ... — section 378, I. P. C. ..	...	7	18	29	10	46	110	
1—Theft, as defined in ... — section 380, do. ...	...	15	48	60	33	101	258	
1—Theft, as defined in ... — section 381, do. ..	...	...	1	...	...	..	1	
1—Theft, as defined in ... — section 382, do. ...	...	...		..	...	...	...	
2—Extortion, as defined in ... ... — section 388, do. ...	...	...	...	...	...	...	...	
2—Extortion, as defined in ... ... — section 389, do. ...	..	...	...	...	...	...	...	
Carried over ...	...	23	67	89	43	147	369	

PART II.

Statement showing Whippings inflicted, in addition to other Punishments, under sections 3 and 4, Act VI of 1864, in Lower Burma during the year 1885—concluded.

Offences for which awarded.		Number of stripes. 5 and under.	6 to 10.	11 to 15.	16 to 20.	21 to 25.	26 to 30.	Total.	Remarks.
1		2	3	4	5	6	7	8	9
	Brought forward ...	...	23	67	89	43	147	369	
3—Dishonestly receiving stolen property as defined in	section 411, I. P. C. ...	...	...	1	3	1	7	12	
	section 412, do. ...	...	...	...	...	...	...	...	
4—Lurking house trespass as defined in ...	section 443, do. ...	...	...	...	...	...	...	...	
5—Lurking house trespass by night as defined in	section 444, do. ...	...	...	...	3	...	...	3	
6—House-breaking as defined in	section 445, do. ...	...	...	...	...	...	...	...	
7—House-breaking by night as defined in .	section 446, do. ...	...	...	...	...	...	1	1	
8—Offence under	section 14, Act III, 1880 ...	...	...	...	...	...	...	...	
B—Section 4.									
1—False evidence as defined in	section 193, I. P. C. .	...	...	...	...	...	...	...	
	section 194, do. ...	...	...	...	...	...	...	...	
	section 195, do. ...	...	...	...	...	...	...	...	
2—False charge of unnatural offence as defined in	section 211, do. and 377, do. ...	...	...	...	...	...	...	...	
3—Assault as defined in	section 354, do. ...	...	...	...	...	...	...	...	
4—Rape as defined in	section 375, do. ...	...	...	...	...	...	...	...	
5—Unnatural offence as defined in ...	section 377, do. ...	...	...	...	...	...	...	...	
6—Robbery as defined in	section 390, do. ...	...	...	...	...	...	...	...	
7—Dacoity as defined in	section 391, do. ...	...	...	...	...	...	1	1	
8—Attempt at Robbery as defined in .	section 393, do. ...	...	...	...	...	.	...		
9—Hurt in committing robbery as defined in	section 394, do. ...	...	...	...	1	...	2	3	
10—Receiving stolen property as defined in	section 413 do. .	...	...	...	...	...	...	...	
11—Forgery as defined in ...	section 463, do. ...	...	...	...	...	...	..	...	
	section 466, do.	...	...	.	...	...	.	...	
	section 467, do. ...	...	...	...	...	...	...	...	
	section 468, do. ..	...	...	...	...	...	...		
	section 469, do. ...	...	...	...	...	...	...	...	
12—Lurking house trespass as defined in ...	section 443, do ...	...	...	...	...	...	...	...	
13—Lurking house trespass by night as defined in.	section 444, do .	...	...	...	...	...	.	...	
14—House-breaking as defined in	section 445, do. ...	...	...	...	...	...	—	...	
15—House-breaking by night as defined in ..	section 446, do. ..	...	...	...	...	...	.	...	
	Total ...	...	23	68	96	44	158	389	

PART III.

Statement showing Whippings inflicted under section 5, Act VI, 1864, on Juveniles for Offences other than those specified in Parts I and II in Lower Burma during the year 1885.

Offence.	Stripes.												Total	Remarks.
	5 and under.		6 to 10.		11 to 15.		16 to 20.		21 to 25.		26 to 30.			
	First conviction.	Subsequent conviction.	First conviction.	Subsequent conviction.	First conviction.	Subsequent conviction.	First conviction.	Subsequent conviction.	First conviction.	Subsequent conviction.	First conviction.	Subsequent conviction.		
1.	2	3	4	5	6.	7	8	9	10	11	12	13	14	15
Section 193, I. P. C.	...	...	...	...	1	...	3	...	...	...	...	...	4	
Do. 249, do.	...	...	...	...	...	...	...	...	...	...	...	...	...	
Do. 323, do.	...	...	1	...	...	...	4	...	...	...	...	...	5	
Do. 324, do.	2	...	...	...	3	...	1	1	...	...	...	...	7	
Do. 325, do.	...	...	...	...	...	...	...	...	...	...	1	...	1	
Do 352, do.	...	...	...	...	...	...	...	...	...	...	...	...	...	
Do. 354, do. and Do. 5, Act VI, of 1864 ...	...	1	3	...	1	...	2	...	...	...	...	...	7	
Do. 376, I. P. C.	...	...	...	...	...	...	...	...	...	...	...	...	...	
Do. 379, &c., do.	1	...	7	...	2	2	4	1	...	...	...	2	19	
Do. 471, do.	...	...	...	...	...	...	...	...	...	...	...	...	...	
Do 431, do.	...	...	...	...	...	...	...	...	...	...	...	...	...	
Do 448, do.	...	...	...	...	...	...	...	...	...	...	...	...	...	
Do 451, do.	...	...	...	...	...	..	...	...	...	...	...	...	...	
Do. 456, do.	...	...	1	...	1	...	...	...	...	...	...	...	2	
Do. 511, do.	...	...	...	...	...	...	...	...	...	...	...	...	...	
Railway Act IV of 1879	...	...	...	...	...	...	...	...	...	...	...	...	...	
Section 147, I. P. C.	...	...	5	...	...	...	1	...	...	...	...	...	6	
Do. 408, do.	...	...	...	...	...	...	...	...	...	1	...	..	1	
Do. 454, do.	...	...	...	...	...	...	1	1	...	...	...	...	2	
Do. 457, do.	...	...	...	...	1	1	1	2	...	...	...	1	6	
Do. 334, do.	...	...	...	...	1	...	...	...	...	...	...	...	1	
Do. 182, do.	...	...	...	...	...	...	1	...	...	...	...	...	1	
Do. 392, do.	2	...	1	...	2	...	...	...	1	...	...	...	6	
Do. 414, do.	...	...	...	...	...	1	...	...	...	...	...	...	1	
Do. 241, do.	...	...	...	...	1	...	...	...	...	...	...	...	1	
Do. 3, Act XXVI of 1864 ...	...	...	1	...	...	...	...	...	...	...	...	...	1	
Do. 13, Act III of 1867 ...	3	...	...	...	...	...	...	..	...	...	...	...	3	
Total ...	8	1	19	...	13	4	18	5	1	1	1	3	74	

PART IV.

Statement showing the relative number of times Whipping was awarded as compared with other Punishments in Lower Burma during the year 1885.

Punishments.	Number.	Remarks.
1	2	3
Total number of whippings awarded	1,764	
Total number of other punishments	39,510	
Percentage of Whippings ...	4 46	

JUDICIAL STATEMENT No. 6 (CRIMINAL).

Statement showing the Result of Appeal and Revision in Criminal Cases in Lower Burma in the year 1885.

Tribunal.	Number of persons.											Average number of days during which each appeal lasted.	Remarks.
	Total number of appellants and applicants for revision before the Courts.	Died, escaped, or transferred to another province.	Appeals or applications rejected.	Sentence or order confirmed.	Sentence enhanced.	Sentence reduced or otherwise altered.	Sentence reversed.	Proceedings quashed.	New trial or further enquiry ordered.	Referred for revision to the High Court.	Pending trial.		
1	2	3	4	5	6	7	8	9	10	11	12	31	14
Appeals.													
To Chief Magistrates of districts*	1,193	...	102	581	...	207	234	18	25	7	19	7	
To Courts of Sessions	2,259	1	1,158	525	...	207	262	1	49	...	56	12	
To Superior Courts ... By persons convicted	503	...	273	110	...	28	26	...	9	...	57	33	
To Superior Courts ... By Government from judgments of acquittal ...	2	...	...	1	...	...	1	...	...	...	...	51	
Total ...	3,957	1	1,533	1,217	...	442	523	19	83	7	132	13	
Revision.													
By Chief Magistrates of districts	1,482	...	12	1,181	..	56	2	...	14	168	49	16	
By Courts of Sessions	970	...	168	458	...	1	...	1	30	276	36	21	
By Superior Courts	2,621	...	66	1,429	17	166	272	...	20	...	651	58	
Total ...	5,073	...	246	3,068	17	223	274	1	64	444	736	35	
GRAND TOTAL ...	9,030	1	1,779	4,285	17	665	797	20	147	451	868	24	

* Or other Magistrates authorized to hear appeals under section 407, Criminal Procedure Code.

JUDICIAL STATEMENT No. 13 (CRIMINAL).

Statement showing use of Jurors and Assessors in the Criminal Courts in Lower Burma in the year 1885.

Classes of Courts in which Jurors or Assessors are employed.		Established or average number of jury or assessors in each case, and prescribed qualifications.	Number of cases tried by jury.	Number of cases tried with assessors.	JURY TRIALS. Cases in which the Judge approved of the verdict.	JURY TRIALS. Cases in which the Judge did not approve of the verdict. Wholly.	JURY TRIALS. Cases in which the Judge did not approve of the verdict. Partially.	JURY TRIALS. Number of persons of the verdict, in respect to whom the Judge disapproved. Whose cases he referred under section 307, C. P. Code.	JURY TRIALS. Number of persons of the verdict, in respect to whom the Judge disapproved. Whose cases he did not refer under section 307, C. P. Code.	ASSESSORS TRIALS. Number of cases in which Judge agreed with assessors.	ASSESSORS TRIALS. Number of cases in which Judge differed from. One assessor.	ASSESSORS TRIALS. Number of cases in which Judge differed from. Both assessors.	Remarks.
1		2	3	4	5	6	7	8	9	10	11	12	13
Criminal Courts.													
Magistrates' Courts under Chapter X. C. P. Code	Jurors ...	...	...	...	...	..	...	...	...	...	...	...	
Courts of Session ...	Jurors ...	5	66	...	[illegible]	3	...	1	2	..	...	...	
	Assessors ...	2	...	273	...	...	...	...	...	169	7	97	
High Court, Original Criminal Jurisdiction	Jurors ...	5	5	[illegible]	5	...	...	...	...	...	...	...	
Total ...		5 and 2	71	273	68	3	...	1	2	169	7	97	